

ATTACHMENT 3

JOINT DECLARATION OF JAY M. BRADBURY
AND SHARON E. NORRIS

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Item	CCP Section	Status/ Page	CLEC Position	BellSouth Position
1	2.0 – 4 th Para	D 21	<p>BellSouth's proposed language "for scheduling CLEC Production Releases" negates the CLECs overall efforts to prioritize change requests by eliminating any meaning for the prioritization of BellSouth initiated change requests by CLECs.</p> <p>As was discovered by KPMG and reported in Florida Third Party Test Exception 88, BellSouth is the only entity that has input to and considers changes at Step 7 of the process that have not been submitted to the CCP as change requests for prioritization.</p> <p>These BellSouth initiated changes, which no one else is aware of, are originated solely by BellSouth's internal organizations and compete directly with published change requests for release capacity.</p> <p>BellSouth's unannounced development and implementation of these "secret" changes has altered the prioritization assigned to published CRs and delayed their implementation.</p> <p>The CLECs know neither of their existence nor the impact they will have upon meeting the needs of the CLECs when prioritization of the published change requests occurs.</p> <p>BellSouth has confirmed that all of these changes are exclusive to the wholesale processes that support only the CLECs and do not address BellSouth retail processes.</p> <p>The existence of these secret changes makes it impossible for the</p>	<p>The CLECs' proposed language is designed to ensure that BellSouth complies with the CCP, although only as it relates to Type 4 (BellSouth-initiated) Change Requests. BellSouth's proposed language would require adherence to the CCP for all Change Requests (not just Type 5s), but would clarify that BellSouth will implement CLEC requested features in CLEC Production Releases as guided by the CLECs' prioritization. All Type 2, 4, 5 and 6 Change Requests, regardless of whether implemented in a CLEC or BellSouth Production Releases will be communicated to the CCP membership, although BellSouth's Production Releases would not be subject to CLEC approval, as the CLECs' proposed language seeks to do.</p>

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			CLECs to perform mutual impact assessment and resource planning to manage and schedule changes, which is a key objective of the CCP.	
2	2.0 - DCCoM	D 22	<p>As BellSouth has confirmed, the processes being considered for change within BellSouth's internal process exist only to support BellSouth's operations that serve the CLECs. There is no impact to any other part of BellSouth's business. Despite this the CLECs have no visibility into the process or objective representation within it.</p> <p>The CLECs are proposing to identify the inclusion of the Designated CLEC Co-Moderator (DCCoM) function (discussed below in Item 23) in this step of the process. Under BellSouth's current policies and under its proposed new language the CLECs are specifically excluded from participation in Step 7 of the process and have no objective representation.</p> <p>The establishment of the DCCoM function will enhance BellSouth's process and the coordination with the CLEC's parallel internal processes essential to the timely and effective implementation of prioritized changes.</p> <p>BellSouth has argued that it must have privacy to conduct its business affairs and that it should not be subject to having the CLECs directing its business. The DCCoM would have no voice or vote in BellSouth's decision making. This proposal does not deny BellSouth the right to conduct its business as it sees fit. It simply provides BellSouth with the opportunity to obtain real-time input from its customers and for its customers to have first hand knowledge in a timely manner of changes which of impact their business.</p>	<p>BellSouth should be permitted to conduct internal business meetings without CLEC involvement, and there is no need for CLEC participation in those meetings in order for the CCP Process to function efficiently and effectively. The definition of a "CLEC affecting" change has been expanded so as to increase the scope of the CCP, and BellSouth will use the CCP membership Forum for discussing, prioritizing and obtaining final approval for the CLEC Production Releases, as well as for providing the changes in BellSouth Production Releases. CLECs can participate fully in the Change Control Process without participating in internal BellSouth meetings, which would hamper BellSouth's ability to run its business.</p>

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			<p>This is a method to allow BellSouth to meet the expectations of the FCC as set forth in the GA/LA Order - "We encourage BellSouth to continue to accommodate competitive LEC requests to improve the transparency and effectiveness of its Change Control Process." FN 697.</p> <p>As noted above and in Item 1, CLECs are the only customers and users of the systems and processes being discussed by BellSouth in these meetings.</p>	
3	3.0 – Type 2	D 23	<p>There are two distinct issues for this CCP Section reference. <u>The first one</u> is an issue with the implementation of regulatory mandates that do not have ordered implementation dates. <u>The second</u> is an issue with the need for "mutual consent" to initiate the Expedited Feature Process.</p> <p style="text-align: center;">Undated Regulatory Mandates</p> <p>Most regulatory mandates include a specific implementation date in the regulatory body's order. If the regulatory order does not provide a specific date the CLECs propose that the 60 week interval associated with the implementation of Type 4 and Type 5 changes in their proposal be applied as an outside limit to the mandated change.</p> <p>This would not prevent or restrict implementation of the mandate before the expiration of 60 weeks. Furthermore, the CLECs support the expeditious implementation of such non-time specific mandates. (See Item 6)</p>	<p>The issue in dispute concerns whether regulatory mandates (Type 2 Change Requests) that do not include a specific implementation date must be implemented within 60 weeks of prioritization, as the CLECs have requested, or whether BellSouth should have greater flexibility in implementing such Change Requests, as BellSouth's language would allow. There is limited amount of release capacity available for a given year, and Type 2s of this nature should be implemented in accordance with the expectation of the regulatory body that ordered the change. BellSouth should be able to implement a regulatory mandate without subjecting such mandate to CLEC approval or prioritization. Such implementation may result in BellSouth having to expedite the mandate or having more than 60 weeks to implement it, which the CLEC proposed language would not allow.</p>

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			<p>Nor does, the CLEC's proposal restrict BellSouth's ability to seek an interval longer than 60 weeks for such changes through appeal to a regulatory body or through agreement for a "Negotiated Extended Implementation" which is described below in Item 30.</p> <p>The establishment and operation of the Flow Through Task Force ("FTTF") as provided for in the January 2001 order in this docket is an example of an order without an implementation time period. The ordered purpose was "to eliminate the high BellSouth Caused Failures and the designed manual fallout for electronically submitted LSR's." The order for the FTTF however did not provide a specific date for the implementation of task force recommendations or its dissolution.</p> <p>Today, 17 months (68 weeks) after the Order, 1 of every 5 electronically submitted CLEC LSRs still encounters either designed manual fallout or BellSouth caused failure. Further, there are at least 15 FTTF change requests that will not be implemented before May of 2003, which is 29 months (120 weeks) after the Commission's order.</p> <p style="text-align: center;">Mutual Consent to Expedite</p> <p>BellSouth had previously agreed to language which states: "With mutual consent by the participants, Type 2 changes may be managed using the Expedited Feature Process, as discussed in Section 4, Part 3." The agreement was reached at the April 11, 2002 meeting, balloted and approved in Ballot 10, and published in Version 3.0 of the CCP Document on May 1, 2002. Yet, BellSouth now simply states that it "cannot support" the language it previously agreed to.</p>	

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			The CLECs proposal allows BellSouth to implement mandated requests in advance of ordered implementation dates with the mutual consent of the CLECs. Should the CLECs not agree to the expedited implementation, BellSouth would not suffer any harm because it could implement the change on the date ordered and, meet its ordered obligation.	
4	3.0 – Type 4 1 st Paragraph	D 24	<p>A major stated and published objective of the CCP is “Timely and effective implementation of feature and defect change requests.” However, the existing CCP contains no intervals or guidelines for the actual implementation of feature change requests (Type-4 and Type-5 Change Requests, and undated Type-2s).</p> <p>[See also the CLEC Coalition Comments being separately submitted for a description of an associated new metric for the timely implementation of feature requests.]</p> <p>Operating in this environment has resulted in the creation of an on-going backlog of feature change requests and excessively long implementation intervals for the majority of requests implemented.</p> <p>The current backlog is 65 items. 36 are Type-5 (CLEC-initiated), 10 are Type-4 (BellSouth-initiated), and 19 are Type-2 (Regulatory, mostly Flow Through Task Force initiated):</p> <ul style="list-style-type: none"> • 5 of the requests are “New.” Under the CCP, a “new” request is a change request that has been received by the BellSouth Change Control Manager, but has not yet been validated. 	<p>The CLECs’ proposed language would require that BellSouth commit unlimited resource capacity to meet an infinite (yet undetermined) amount of demand (i.e., number of CLEC-initiated change requests) merely upon the request of CLECs to implement these features. There are hundreds of CLECs that potentially could make requests for new features. The defined process does not limit the number of CLECs who participate in CCP nor does it limit the number of change request any CLEC may request of BellSouth. No company has unlimited resources, and no ILEC, to BellSouth’s knowledge, is subject to a Change Control Process by which CLECs determine the level of OSS investment that the incumbent must make. BellSouth’s proposed language is part of a comprehensive prioritization proposal by which: (i) BellSouth provides the estimated sizes for all features requested for prioritization along with the estimated amount of capacity available for the releases; and (ii) CLECs and BellSouth share equally available release capacity (after all scheduled defects are corrected, all regulatory mandates are implemented, and all needed updated industry standards are built). Under BellSouth’s proposal, CLECs have the necessary tools to make an informed decision to prioritize features and determine which should be deployed first, second, etc., and can be assured that Change Requests</p>

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			<p>Although the interval for validation under the CCP is 10 business days, BellSouth did not meet that timetable for any of these. One of the requests was filed as long ago as December 2000.</p> <ul style="list-style-type: none"> • 5 of the requests are "Pending." A "pending" request is a change request that has been accepted by the BellSouth Change Control Manager and scheduled for change review and prioritization. One of these requests was submitted in April 2000, and two others were submitted more than nine months ago. • 42 of the requests are "Candidate Requests." A "Candidate Request" is a change request that has completed the change review and prioritization process and is ready to be scheduled for implementation in a release. Of these requests 16, or nearly 40 percent of the total, were originally submitted in 1999 or 2000. An additional 7 requests were submitted between January and June 2001. 16 of the "Candidate Requests" were prioritized in April 2001, but have still not been scheduled by BellSouth for implementation. None of these "Candidate Requests" can be scheduled for implementation before May 2003. • 13 of the requests are "Scheduled." A "scheduled" request is a change request that has actually been scheduled for implementation through a BellSouth release. In the case of these 13 requests, implementation has been scheduled for August or December 2002. For 8 of these requests, the 	<p>will be implemented no later than 60 weeks from prioritization based on the priority assigned by the CLECs, and subject to available capacity. BellSouth's comprehensive prioritization proposal is reasonable and has been endorsed by both KPMG and the Staff of the Florida Public Service Commission.</p>

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			<p>scheduled implementation date is at least 19 months (and as long as 34 months) from the date on which the request was originally filed. The implementation dates scheduled for three additional requests are between 11 and 14 months from the original submission date. One of the scheduled requests was originally submitted in August 1999; the majority of the remaining requests were submitted before December 2000.</p> <p>BellSouth's caveat on page 24 of "subject to available capacity" effectively eliminates commitment. BellSouth has argued that it fears the CLECs will overload the process with change requests making it impossible to meet the 60-week guideline. BellSouth offers no evidence that this has ever happened or any rational reason why CLECs would have any incentive to do so.</p> <p>BellSouth's fear ignores at least three factors.</p> <p>First, when a change request is submitted BellSouth has the right to reject it for (1) cost, (2) technical feasibility, or (3) industry direction. Thus, BellSouth has the ability to guard the process because it has seen and validated all requests. Should BellSouth reject a given change request, the originating CLEC(s) must use the escalation and dispute resolution process to obtain relief.</p> <p>Second, the 60 week interval begins following the prioritization step that will always be 30 to 90 days after submission of the change requests being prioritized. This provides BellSouth with the opportunity to discuss any impending overload it perceives with the CLECs prior to prioritization. Further, BellSouth has the right, following prioritization, to utilize the dispute resolution process to</p>	

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			<p>obtain relief in a manner analogous to the CLECs use of the process to obtain relief when change requests are rejected.</p> <p>Third, under the CLEC's proposal, BellSouth also has the opportunity to obtain a Negotiated Extended Implementation for any given change request. (See Item 30 below.)</p> <p>Additionally, BellSouth's caveat of "subject to available capacity" indicates that BellSouth intends to continue to provide resources to meet the needs of CLECs in the same arbitrary, exclusionary, and reactive manner that has resulted in the backlog described above.</p>	
5	3.0 – Type 4 2 nd Paragraph	D 24	<p>The BellSouth caveats included in its proposed language, which are: "in the CLEC Production Releases that will occur" and "subject to available capacity", are prime examples of the key differences between the CLEC's and BellSouth's overall positions on the nature of the CCP.</p> <p>The CLECs are proposing an open, single, unified process for the timely implementation of all change requests regardless of their origin based upon a jointly established prioritization. BellSouth's proposal, in contrast, establishes separate tracks for CLEC initiated changes and BellSouth initiated changes, excludes the CLECs from any participation in the BellSouth track, excludes the CLECs from participation in vital portions of the process in the CLEC track, and reserves to BellSouth the right to implement changes that have not been subjected to the process.</p> <p>The CLECs propose an open single, unified process to implement</p>	<p>There are only two aspects of this language that are in dispute. The first relates to the CLECs' desire that BellSouth commit unlimited resources to implementing an unlimited number of change requests, which BellSouth is unwilling to do for the reasons explained in Item No. 4 above. The second issue relates to BellSouth's proposal for sharing equally available release capacity by having separate CLEC Production Releases and BellSouth Production Releases. The CLEC Production Release would be used to implement those change requests that the CLECs have prioritized, and the BellSouth Production Release would be used to implement those change requests that are a priority to BellSouth (including CLEC-initiated change requests). The determination of which features to implement in the BellSouth Production Release should be left to BellSouth, not the CLECs. Accordingly, BellSouth can agree with the CLEC language for application to <u>CLEC Production Releases</u> and with the acknowledgement that implementation is <u>subject to available capacity</u>. BellSouth's proposed language includes these two phrases.</p>

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			<p>feature changes according to their priority, in a timely manner, and with a minimum of defects, regardless of who initiated the request. The key aspects of the CLEC proposal are:</p> <ul style="list-style-type: none"> • Feature changes should be implemented within 60 weeks of their prioritization. • No BellSouth or CLEC initiated changes should be allowed to enter BellSouth's internal development (Steps 7-10) without first being subject to the previous steps of the CCP. • BellSouth should provide the CLECs with visibility into its internal development process. • Prioritization ranking, BellSouth preliminary feature sizing model information, and BellSouth release capacity information will be used to sequence the implementation of changes in the various software releases that will occur during the 60-week interval. • BellSouth may alter this sequence only with CLEC concurrence • All prioritized change requests will be assigned to as many future releases as necessary to complete the sequencing process. <p>BellSouth's caveat that "in the CLEC Production Releases that will occur" means that BellSouth is (1) establishing a separate path for its own change requests, (2) will not consider the CLECs prioritization binding upon the sequence of implementation within that separate path, and (3) is excluding CLECs from the process associated with that separate path.</p> <p>The CLECs do not agree with the concept of separate CLEC and</p>	

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			BellSouth production releases. As is discussed below in Item 17, the establishment of a separate path for BellSouth's self-initiated change requests with a guaranteed 50% of the forecast capacity is unwarranted, wasteful of scarce programming resources, and counterproductive.	
6	3.0 – Type 4 3 rd Paragraph	D 24	<p>As noted above in Item 3, the CLECs support the expeditious implementation of non-time specific mandates. In fact the CLEC's proposal provides for the possible use of an Expedited Feature Process for all four types of feature related change requests (2,3,4 and 5) by mutual consent.</p> <p>BellSouth agrees that mutual consent should be obtained for the use of the Expedited Feature Process for Type 3 and Type 5 changes, but reserves to itself the right to unilaterally expedite Type 2 and Type 4 changes.</p> <p>BellSouth's use of the caveat "within the CLEC Production Releases" forces CLECs to accept a needlessly inefficient use of programming resources to obtain an expedite, if a CLEC Production Release is next in the schedule, or be denied the capability to obtain an expedite if it is a BellSouth Production Release that is next in the schedule.</p> <p>BellSouth's position is inconsistent with the posed collaborative nature of the CCP and with at least two of its principle objectives:</p> <ul style="list-style-type: none"> • "Timely and effective implementation of feature and defect change requests." • "Allow for mutual impact assessment and resource planning to 	<p>The only issue in dispute with respect to this section concerns the CLECs' proposed language that would render BellSouth Production Releases subject to CLEC consent and approval. BellSouth's comprehensive prioritization proposal, which has been endorsed by KPMG and the Florida Public Service Commission Staff, would create CLEC Production Releases and BellSouth Production Releases. For Type 4 changes, BellSouth agrees with the CLECs that mutual consent should be required to expedite any feature in a <u>CLEC Production Release</u>. However, BellSouth should be able to expedite any feature in a <u>BellSouth Production Release</u>, without obtaining the consent of the CLECs, as long as BellSouth provides the requisite notice to the CCP membership about any such expedited features.</p>

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			<p>manage and schedule changes.”</p> <p>BellSouth has used unilateral expedited treatment of feature change requests it initiates to support its own regulatory agenda at both the state and federal level to bolster its 271 case and to respond to negative findings from third party OSS testing. These efforts have negatively impacted and delayed other pending change requests.</p>	
7	3.0 – Type 5 1 st Paragraph	D 25	<p>The existing CCP contains no intervals or guidelines for the actual implementation of feature change requests (Type-4 and Type-5 Change Requests, and undated Type-2s). This is in violation of the purpose of the CCP: ‘Timely and effective implementation of feature change request.</p> <p>Operating in this environment has resulted in the creation of an on-going backlog of feature change requests and excessively long implementation intervals for the majority of requests implemented.</p> <p>See Item 4 above for the full details of the CLECs’ support for their proposed language.</p>	<p>This is the same issue in dispute for Item No. 4, except that this issue relates to BellSouth-initiated Change Requests (Type 4s) rather than CLEC-initiated Change Requests (Type 5s). However, BellSouth’s position is the same, namely that BellSouth should not be required to commit unlimited resource capacity to implement every BellSouth-initiated Change Request within 60 weeks simply because the CLECs have prioritized such requests. No company has unlimited resources, and no ILEC, to BellSouth’s knowledge, is subject to a Change Control Process by which CLECs determine the level of OSS investment that the incumbent must make. BellSouth’s proposed language is part of a comprehensive prioritization proposal by which: (i) BellSouth provides the estimated sizes for all features requested for prioritization along with the estimated amount of capacity available for the releases; and (ii) CLECs and BellSouth share equally available release capacity (after all scheduled defects are corrected, all regulatory mandates are implemented, and all needed updated industry standards are built). Under BellSouth’s proposal, CLECs have the necessary tools to make an informed decision to prioritize features (including BellSouth-initiated Change Requests) and determine which should be deployed first, second, etc. CLECs also can be assured under BellSouth’s proposal that Change Requests will</p>

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				be implemented no later than 60 weeks from prioritization based on the priority assigned by the CLECs, subject to available capacity. BellSouth's comprehensive prioritization proposal is reasonable and has been endorsed by both KPMG and the Staff of the Florida Public Service Commission.
8	3.0 – Type 5 2 nd Paragraph	D 25	<p>The BellSouth caveats included in their proposed language “in the CLEC Production Releases that will occur” and “subject to available capacity” are prime examples of the key differences between the CLEC’s and BellSouth’s overall positions on the nature of the CCP.</p> <p>See Item 4 above for the full details of the CLECs’ support for their proposed language.</p>	<p>This is the same issue in dispute for Item No. 5, which involves two areas of disagreement. The first relates to the CLECs’ desire that BellSouth commit unlimited resources to implementing an unlimited number of change requests, which BellSouth is unwilling to do for the reasons explained in Item No. 4 above. The second issue relates to BellSouth’s proposal for sharing equally available release capacity by having separate CLEC Production Releases and BellSouth Production Releases. The CLEC Production Release would be used to implement those change requests that the CLECs have prioritized, and the BellSouth Production Release would be used to implement those change requests that are a priority to BellSouth (including CLEC-initiated change requests). The determination of which features to implement in the BellSouth Production Release should be left to BellSouth, not the CLECs. Accordingly, BellSouth can agree with the CLEC language for application to <u>CLEC Production Releases</u> and with the acknowledgement that implementation is <u>subject to available capacity</u>. BellSouth’s proposed language includes these two phrases.</p>
8a	3.0 – Type 6 2 nd paragraph	D 25	BellSouth has elected to address Section 3.0 – Type 6 in two separate line entries, Item 8a, and Item 9. The CLECs’ comments are all included in Item 9.	BellSouth has proposed language to clarify the definition of a CLEC impacting defect (Type 6 Change Request). Such clarification is necessary to recognize the two different ways in which software errors can arise and would allow BellSouth to shorten the intervals applicable to correcting true software defects. There are two ways that defects can be introduced in software: errors that are made when

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				<p>designing and subsequently coding the software and errors made because of an oversight in documenting the functionality that should be created. The current definition for a Type 6 – CLEC Impacting Defect does not distinguish between a coding error versus an oversight in documenting the functionality to be designed. Based on the current CCP defect definitions, a defect is created when the system does not perform as expected regardless of whether the behavior was introduced because of a coding error or because of incomplete requirements. When changes are introduced to the system, the change is documented in business rules that are developed to describe the change, user requirements that reflect how the systems should be changed to implement the revised business rules, and systems requirements that reflect the actual software changes that will be made to satisfy the request. This series of documentation is used to test and validate software changes. If the system is determined to not be working as these requirements were written, it is considered a defect. In this case, the developer has a “road map” (i.e., these documented requirements) that explains how the software is supposed to behave and what should be done to correct the defect. The defect is then assigned a severity level that reflects the impact to the functionality and that determines how soon the defect should be corrected.</p> <p>When the system is not working because of an oversight in developing requirements or business rules, the developers do not have a ‘road map’ that indicates how the software should behave or what changes should be made to correct the problem. In this case, the functionality was developed, tested and implemented as intended by all the documentation (i.e., business rules, user/system requirements)</p>

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				<p>but the functionality (change request) does not work as intended or may not work as well as it should. To correct this type of defect involves adding new functionality, which requires developing new business rules, user requirements, and system requirements, all of which must be defined and validated before software changes can be made. Developing this additional functionality is a new feature (or change request) and should be handled accordingly.</p> <p>The current definition of a Type 6 Change Request erroneously includes an oversight in documenting functionality. BellSouth's proposed language clarifies this definition to include only true software defects.</p>
9	3.0 – Type 6	D 25-26	<p>BellSouth has elected to address Section 3.0 – Type 6 in two separate line entries, Item 8a, and Item 9. The CLECs' comments are all included in Item 9.</p> <p>There are two distinct issues at this CCP Section reference. <u>First</u>, BellSouth has an issue with the definition of a defect that did not previously exist. <u>Second</u> is the issue of the implementation interval for medium and low impact defects that BellSouth now ties to the first issue.</p> <p style="text-align: center;">Defect Definition (page 25)</p> <p>In its second update of its "green-line" language submitted to the CLECs on 6/28/02, BellSouth has separated out the last sentence of the opening paragraph, which was not previously in dispute between</p>	<p>BellSouth and the CLECs have agreed that "high impact" software defects (i.e., those that impair critical system functions and no electronic workaround solution exists) should be corrected within ten (10) business days. The disagreement on this issue concerns the timeframe for correcting "medium impact" and "low impact" software defects. "Medium impact" software defects are defined as an impairment of a critical system function, although a workaround solution does exist. The current timeframe for correcting "medium impact" software defects is ninety (90) business days, which was established to comply with an order entered by the Florida Public Service Commission last year in an arbitration initiated by AT&T. Docket No. 000731-TP, Order No. PSC-01-1402-FOF-TP. Even though the current timeframe for correcting "medium impact" software defects is the direct result of a state commission order, BellSouth is willing to reduce this interval to forty-five (45) business days, subject to approval of the new BellSouth language to clarify a Type 6 Change Request as a true software defect. Forty-five (45)</p>

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			<p>the CLECs and BellSouth, and provides a "BST New Proposal for this paragraph."</p> <p>It is not the purpose of this filing to create new issues. The language BellSouth now seeks to replace was not addressed by BellSouth in its February 15th filing, or any of the workshops held during March, April or May, or even included in BellSouth's first specific update to this filing delivered to the CLECs on 6/24/02. As a matter of procedure The Commission should refuse to consider this particular language.</p> <p>To the extent the Commission does consider this proposal, the CLECs offer the following comments. First, the language BellSouth is seeking to change has been the CCP definition for defects since inception of the process. Second, the entire purpose of the existing language is specifically to include the conditions BellSouth cites in its "new proposal" within the scope of defects. BellSouth "new proposal" has no merit and is clearly an attempt by BellSouth to take advantage of the Commission's participation in resolving these changes to the CCP.</p> <p style="text-align: center;">Defect Correction Intervals (page 26)</p> <p>BellSouth's recommended alternative language here calls for the correction of medium impact defects in 45 business days (or next available maintenance release) and low impact defects in 60 business days. Further, in a <u>third</u> update to its green-line language delivered to the CLECs on July 1, 2002, BellSouth stated that its 45 and 60 day</p>	<p>days is a reasonable amount of time to correct a defect that has an acceptable workaround. This interval allows consideration of the defect priority to other features that may be in development and vying for resources and enables the defect to be implemented within the release schedule presented to the CCP members. It also would allow BellSouth to meet the CLECs' request that Type 6 defects be corrected in maintenance releases whenever possible thereby not affecting the production releases and their corresponding capacity. Maintenance Releases are normally scheduled any month that a production or industry release is not scheduled, and establishing a forty-five (45) business day interval should allow BellSouth to accommodate the CLECs' request.</p> <p>With respect to "low impact" software defects, which are defined as failures causing inconvenience or annoyance, the current timeframe for correcting is "best effort." Because "low impact" software defects have no immediate adverse impact to the users, correcting such defects does not and should not take a high priority in implementation, particularly when compared to other Change Requests. Nevertheless, BellSouth is willing to commit to correcting "low impact" software defects within sixty (60) business days, subject to approval of the new BellSouth language to clarify a Type 6 Change Request as a true software defect. Sixty (60) business days is a reasonable amount of time to correct a defect that does not detrimentally affect performance or stability or otherwise adversely impact a CLEC.</p> <p>BellSouth has proposed these reduced intervals in order to address the CLECs' request that software defects be corrected in a shorter period</p>

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			<p>offers were contingent upon acceptance of its new proposed definition discussed immediately above. The CLEC's propose 20 business days and 30 business days respectively for these same intervals.</p> <p>BellSouth's selection of 45 days and 60 days is totally arbitrary and unacceptable. Until it forwarded its second update to its green-line language to the CLECs on 6/28/02 BellSouth's position was that the appropriate intervals were 90 and 120 days. While the reduction in intervals appears significant it is inadequate based upon the facts of BellSouth's capabilities and the needs of the CLECs.</p> <p>It is not necessary (or desirable) to wait for a release in order to implement a defect correction. BellSouth has repeatedly implemented defect corrections outside any formal release. For example, most recently, BellSouth corrected 12 of 17 software defects arising from the implementation of Release 10.5 on various dates between 6/3/02 and 6/16/02. At least five of these were classified as medium impact. Thus the CLEC's 20 business day interval for medium impact defects is obtainable and reasonable and any requirement to wait for a release unnecessary.</p> <p>BellSouth's performance in its voluntary correction of the majority of the "low impact" defects associated with the implementation of Parsed Customer Service Records within 24 <u>calendar</u> days demonstrates that the CLECs' proposed 30 <u>business</u> day interval is also obtainable and reasonable.</p> <p>[See also the CLEC Coalition Comments being separately submitted for a description of recommended changes to the metrics associated</p>	<p>of time. BellSouth can only accommodate this request if the definition of a Type 6 Change Request is clarified to include only true software defects, as BellSouth has proposed in Item No. 8a. Absent this clarification, errors in documenting functionality are considered a Type 6 Change Request, which requires work analogous to adding a new feature to fix and which cannot be accomplished in a shorter amount of time.</p>

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			with the timely implementation of defect corrections.]	
10	4.0 – Part 1 – Step 2 Outputs	O 32	This item is still under negotiation between the CLECs and BellSouth and is not being presented to the GA PSC for a decision. The trial process is working well. It is anticipated that a workshop to resolve this and other issues will be held in the near future.	This issue is still under discussion by BellSouth and the CLECs.
11	4.0 – Part 2 – Step 4, Act #5 (BCCM)	D 39	<p>For the CCP to be a joint forward looking proactive process, all parties to the process must have the same detailed information available to them about the elements of the process to be managed and coordinated. In the case of the CCP the principle elements being managed and coordinated are (1) the change requests and (2) the programming resources available, assigned and expended.</p> <p>The contrasts between the CLEC and BellSouth's proposed language here and in several of the associated items discussed below are prime examples of the key differences between the CLEC's and BellSouth's overall positions on the sharing of this vital information. This includes information related to the individual change request sizing as they progress through the process, and information about the programming resources required, forecast, available, assigned and expended as the process operates to implement the requests in current and future releases.</p> <p>The CLECs propose the on-going sharing of information at each step in the process where the information is likely to change such as prioritization, release package development, release management and implementation, and post implementation. The CLEC's proposal requests that at these points data be provided in the same groupings of</p>	<p>BellSouth is committed to providing complete and timely information to assist the CLECs in their prioritization efforts and agrees with much of the CLECs' proposed language. The CLECs earlier this year agreed to a process (contained in Appendix H) by which BellSouth provides the feature sizing for the Type 4 and Type 5 Change Requests that are candidates for prioritization. Once the CLECs have prioritized the features, BellSouth provides a 12-month view of features scheduled, implemented or planned. This is commonly called the Flagship Feature Release Schedule and is discussed in each CCP Monthly Status Meeting. Although BellSouth is agreeable to most of the CLECs' proposed language, BellSouth cannot agree to the language that purports to require BellSouth to provide feature sizing for "all future releases." Such language is overly broad, open ended, and erroneously implies that BellSouth will present an infinite release schedule. Since the CLECs may prioritize on a quarterly basis, a list that shows an infinite schedule of releases would constantly change and would serve no useful purpose. Providing a yearly view of features, as proposed by BellSouth, which includes "known" future releases, is a reasonable alternative. The parties also disagree about the specific feature sizing information that should be provided. The CLECs appendix I-A suggests that there is a set amount of capacity for each category they list by release. This is not the case. Production</p>

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			<p>categories to allow for tracking and the early detection of potential problems. Appendix I (to which the parties have agreed) provides post implementation data in distinct categories. The CLECs propose Appendix 1-A (See Item 48 below and page 117 of the Updated CCP Document) for the reporting of Pre-Release Capacity Forecast information and changes during the process steps using the same categories as in Appendix I. With this constancy in the reporting of the basic process data the effectiveness of the process can be analyzed and improvement plans developed.</p> <p>In contrast, BellSouth's proposed language limits providing sizing information to only certain types of change requests, and only at a single point in the process (prioritization). Further it limits the sharing of information on releases to an annual snapshot in a format and grouping inconsistent with Appendix I making both in progress evaluation of the process and post implementation evaluations impossible (See Item 48 below and page 118 of the Updated CCP Document). BellSouth's proposal excludes the CLECs from access to information about the process as changes occur which is vital to the CLECs internal resource planning.</p> <p>The CLECs are requesting "information on each pending change request" and "all future releases" and that Appendix I-A, which is consistent with Appendix I, be used as the basic structure for release capacity forecast information.</p> <p>BellSouth is willing to provide information only on "Type 4 and Type 5 change requests", and estimated release capacity information only "annually" and only for releases planned for "the following year"</p>	<p>Releases, whether a CLEC or BellSouth Production Release, can have Types 2, 4, 5, or 6 Change Requests. In the case of the Type 4s and 5s, they are optional and entirely dependent upon whether it is a CLEC or BellSouth Production Release. In either case, during a "Pre-Release" point in time, these releases are open to any and all types as mentioned. Listing Units by category, as the CLECs' proposed Appendix I-A would require BellSouth do so, erroneously presumes that BellSouth knows how much capacity each release, by category of Type Change Request, would have before prioritization and release planning by the CLECs. Although BellSouth could arbitrarily designate release capacity by category, there is no logical basis for doing so. As an alternative, BellSouth offers Appendix I-B, which provides pre-release capacity information, expressed in units, and provides the intelligence for the CLECs to determine the pre-release capacity available. It also allows the flexibility and reality of how the Change Request types correspond to release types. For example, Type 6s and PSN mandates are predominantly targeted for maintenance releases, while Types 2s, 4s, and 5s are targeted for production releases in accordance with the BellSouth and CLEC Production Release guidelines. Lastly, Type 3s are targeted for the Industry Release. The information that BellSouth proposes to provide to the CLECs to assist in the prioritization effort, as outlined in Appendix I-B, is reasonable and should be adopted.</p>

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			<p>using Appendix I-B, which is inconsistent with Appendix I.</p> <p>Limiting the information being provided makes it impossible for the CLECs to perform mutual impact assessment and resource planning to manage and schedule changes, which is a key objective of the CCP.</p>	
12	4.0 – Part 2 – Step 4 – Note after Act #3 (CCCM)	D 39	<p>In the agreed upon portion of this note BellSouth confirms that the information associated with each change request may change after prioritization.</p> <p>The CLECs request is for the changes to be communicated to them.</p> <p>BellSouth's response is that the limited information it proposes to provide (as discussed in Item 11 above) will not be updated when changes occur.</p>	BellSouth has proposed language to make clear that the release information BellSouth will provide to assist the CLECs in their prioritization efforts relate to Type 4 and Type 5 Change Requests, which are the only Change Requests that CLECs prioritize.
13	4.0 – Part 2 – Step 4 - Inputs	D 40	The CLECs request that an input to this step should be the information discussed in detail above in Item 11.	This issue in dispute is related to Item No. 11 and concerns detailing the information that BellSouth provides to CLECs in connection with feature prioritization. BellSouth's proposed language is specific and detailed so there is no confusion about what information BellSouth will be providing. The same cannot be said about the CLECs' proposed language, which merely refers to providing "full release capacity."
14	4.0 – Part 2 – Step 4 - Outputs	D 40	The CLECs request that an output from this step should be any changes to the input information that occurs as a result of the process discussed above in Item 13.	This issue in dispute is related to Item No. 11 and concerns the information that BellSouth provides to CLECs in connection with feature prioritization. Consistent with the process to which the CLECs agreed earlier this year, once the CLECs have prioritized the features, BellSouth provides the Flagship Feature Release Schedule, with a 12-month view of features scheduled, implemented or planned.

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				BellSouth cannot agree to the CLECs' proposed language that purports to require BellSouth to provide feature sizing for "all future releases." Such language is overly broad, open ended, and erroneously implies that BellSouth will present an infinite release schedule. Since the CLECs may prioritize on a quarterly basis, a list that shows an infinite schedule of releases would constantly change and would serve no useful purpose. Providing a yearly view of features, as proposed by BellSouth, which includes "known" future releases, is a reasonable alternative.
15	4.0 – Part 2 – Step 5 – Prioritization Meeting	D 40	<p>Once again BellSouth creates an issue that did not previously exist.</p> <p>In its first update of its "green-line" language submitted to the CLECs on 6/24/02, BellSouth added the restrictive language shown here. The timing of prioritization meetings was not previously in dispute between the CLECs and BellSouth.</p> <p>It is not the purpose of this filing to create new issues. The language BellSouth now seeks to amend was not addressed by BellSouth in its February 15th filing, or any of the workshops held during March, April or May. As a matter of procedure The Commission should refuse to consider this particular language.</p> <p>To the extent that the Commission does consider it, the CLECs offer the following comments regarding the proposed restrictions. First, the language BellSouth is seeking to change has been the official schedule for prioritization under the CCP since inception of the process. Second, prioritization is not limited to change requests associated with only CLEC Production Releases, BellSouth's language here would eliminate the prioritization of BellSouth initiated</p>	BellSouth has proposed language to clarify that a prioritization meeting should only be held when applicable.

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			change requests. Third, the regular prioritization of new change requests is essential to their timely implementation and should be the driver of the establishment of new releases rather than being "Dependent on whether a CLEC Production Release is available for prioritization." This is another example of BellSouth's exclusionary and reactive view of the CCP. BellSouth's restrictions have no merit and are clearly an attempt by BellSouth to take advantage of the Commission's participation in resolving these changes to the CCP	
16	4.0 – Part 2 – Step 5, Act #3	D 41	<p>The CLECs request at this step of the process is the same as discussed above in Item 11 for the exchange of forward looking information over a planning horizon of two years for all pending change requests and the releases necessary for their timely implementation.</p> <p>Once again BellSouth's response, limits the information it proposes to share to only Type-4 and Type-5 change requests and a 12 month period.</p> <p>Limiting the information being provided makes it impossible for the CLECs to perform mutual impact assessment and resource planning to manage and schedule changes, which is a key objective of the CCP.</p>	BellSouth's proposed language concerning the information that will be provided in connection with the CLEC prioritization effort is consistent with the process to which the CLECs agreed earlier this year. BellSouth's proposed language also makes clear that the information BellSouth will provide to assist the CLECs in their prioritization efforts relate to Type 4 and Type 5 Change Requests, which are the only Change Requests that CLECs prioritize.
17	4.0 – Part 2 – Step 5, Act #6	D 41	In this portion of the process the CLEC's proposal results in the preparation of a jointly prioritized plan for the timely implementation of all pending change requests using the required number of unified production releases (releases containing all types of changes – regulatory, defect, BellSouth initiated and CLEC initiated). Unified releases maximize the efficient utilization of BellSouth's programming resources. Given that the prioritization and order of	BellSouth's proposed language details the approach that should be taken in scheduling the changes for the releases. The CLEC language does not take into account necessary maintenance that is required for efficiency and stabilization, acknowledgement of infrastructure upgrades, nor does it provide flexibility in utilizing the maintenance releases as the primary source for defect correction. Fundamentally, BellSouth's proposed language details how it can "dedicate capacity"

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			<p>implementation under the CLEC's proposal is jointly determined, it is logical that any changes thereafter should be jointly determined and, therefore require CLEC concurrence.</p> <p>In contrast, BellSouth proposes a concept it copied from the change control plan of another ILEC – separate BellSouth and CLEC Production Releases. BellSouth proposes this work effort would only apply to “the CLEC Production Release being scoped”. Further, even within the confines of a CLEC Production Release BellSouth refuses to seek CLEC concurrence to changes, committing only to “provide rationale” should it decide to restructure the implementation order.</p> <p>The CLECs are proposing an open, single, unified process for the timely implementation of all change requests regardless of their origin based upon a jointly established prioritization. BellSouth's proposal, in contrast, establishes separate tracks for CLEC initiated changes and BellSouth initiated changes, excludes the CLECs from any participation in the BellSouth track, excludes the CLECs from participation in vital portions of the process in the CLEC track, and reserves to BellSouth the right to implement changes that have not been subjected to the process.</p> <p>This separate track concept is wasteful of the BellSouth programming resources to the detriment of all. Throughout the updated BellSouth green-line language, there are references to how BellSouth will manage the CLEC production releases, but not one mention of how it will manage the so-called BellSouth production releases. BellSouth states that its concept provides “parity” - “Estimated capacity for production releases is equal.” However, there is no evidence to</p>	<p>to the CLECs in order to implement those changes important to them and enable BellSouth to continue with necessary changes to enable it to operate efficiently, which also benefits the CLECs.</p>

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			<p>suggest that a blind equal allocation of capacity has any validity. An analysis of the year 2003 capacity information that BellSouth made available beginning on May 10, 2002, reveals that it is not. In 2003, BellSouth's blind allocation has provided BellSouth with capacity beyond its needs.</p> <p>Regarding potential releases in 2003, BellSouth has provided the CLECs with information on two options. In Option A there would be 2 CLEC production releases, 3 BellSouth production releases and 5 maintenance releases using approximately 3,000 units. In Option B there would be 1 CLEC production release, 2 BellSouth production releases, 5 maintenance releases, and an industry standard release, again using approximately 3,000 units. In each option one of the BellSouth Production Releases was dedicated to an Infrastructure Upgrade, but the capacity required for that release in each option was different as was the capacity needed for maintenance releases.</p> <p>When questioned during the May 22, 2002 Change Control Status and Prioritization Meeting whether the units in Option B for the Infrastructure Release and Maintenance Releases were adequate BellSouth stated that the objectives of the releases could be met with only these units. Thus the information reveals that in Option A BellSouth reserved to itself more capacity than was necessary for the Infrastructure Production Release (105 units) and Maintenance Releases (158), a total of 263 units, about 15 man years work effort.</p> <p>It is clear under both Option A and Option B that BellSouth has manipulated the process to allocate 50% of the non-industry standard and non-maintenance capacity to itself and 50% to the CLEC</p>	

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			<p>production releases. This arbitrary allocation has no basis and will impede the timely implementation of all change requests.</p> <p>Individual sizing information for change requests to be prioritized during the May 22, 2002 meeting was provided to the CLECs on May 15. On May 23rd BellSouth provided the results of the prioritization and a total of units for 24 of the 26 changes prioritized. The total was 817 units. An additional 998 units of capacity have been estimated as necessary for the implementation of Type-2 requests from the Flow Through Task Force ("FTTF") in 2003.</p> <p>None of the change requests prioritized on May 22, 2003 can be implemented in 2002 according to BellSouth. Of the 26 requests prioritized, 8 were initiated by BellSouth and, there are currently no other pending BellSouth change requests, nor will there be any other unimplemented BellSouth change requests at year end 2002. The 8 BellSouth initiated change requests require only an estimated 156 capacity units. Despite this fact, under Option B BellSouth has reserved to itself 314 units over and above the Infrastructure Release requirements and in Option A it had reserved 837 units.</p> <p>The establishment of separate releases for 2003 is clearly wasteful of resources and has a negative impact on the timely implementation of the highest priority changes irregardless of their origin, including even the implementation of changes to the infrastructure designed to ensure and improve the stability and performance requirements.</p>	
18	4.0 – Part 2 – Step 5 - Inputs	D 42	The CLECs request that an input to this step should be any changes to the sizing and capacity information that occur as a result of the	This issue in dispute is related to Item No. 11 and concerns the information that BellSouth provides to CLECs in connection with

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			process discussed above in Item 14.	feature prioritization. Consistent with the process to which the CLECs agreed earlier this year, once the CLECs have prioritized the features, BellSouth provides the Flagship Feature Release Schedule, with a 12-month view of features scheduled, implemented or planned. BellSouth cannot agree to the CLECs' proposed language that purports to require BellSouth to provide feature sizing for "all future releases," since such language is overly broad, open ended, and erroneously implies that BellSouth will present an infinite release schedule. Because the CLECs may prioritize on a quarterly basis, a list that shows an infinite schedule of releases would constantly change and would serve no useful purpose. Providing a yearly view of features, as proposed by BellSouth, which includes "known" future releases, is a reasonable alternative.
19	4.0 – Part 2 – Step 5 - Outputs	D 42	The CLECs request that an output from this step should be publication and commitment to the results of the work discussed above in Item 17.	This issue in dispute is the same as Item Nos. 11, 14, and 18, which are addressed above.
20	4.0 – Part 2 – Step 6 - Inputs	D 42	The CLECs request that an output from this step should be publication and commitment to the results of the work discussed above in Item 17.	This issue in dispute is the same as Item Nos. 11, 14, and 18, which are addressed above.
21	4.0 – Part 2 – Step 7 - DCCoM	D 42	The CLECs are providing a header to identify the inclusion of the Designated CLEC Co-Moderator (DCCoM) function (discussed above in Item 2 and below in Item 23) in this step of the process. Under BellSouth's current policies and under its proposed new language the CLECs are specifically excluded from participation in this step and have no objective representation.	This issue in dispute is related to Item No. 2 and concerns the CLECs' request to participate in internal BellSouth meetings. BellSouth should be permitted to conduct internal business meetings without CLEC involvement, and there is no need for CLEC participation in those meetings in order for the CCP Process to function efficiently and effectively. The definition of a "CLEC affecting" change has been expanded so as to increase the scope of the CCP, and BellSouth will use the CCP membership Forum for discussing, prioritizing and

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				obtaining final approval for the CLEC Production Releases, as well as for providing the changes in BellSouth Production Releases. CLECs can participate fully in the Change Control Process without participating in internal BellSouth meetings, which would hamper BellSouth's ability to run its business.
22	4.0 – Part 2 – Step 7, Act #2	D 43	<p>BellSouth's statement is that "This step is not necessary since BellSouth will implement CLEC requested features in CLEC Production Releases as guided by the CLEC's prioritization." totally misses the point of the CLEC's proposal for unified releases. Furthermore, BellSouth's position reveals its determination to exclude CLECs from vital steps in the process and reserve to itself complete independence to implement or not implement any given change on a schedule of its own choosing.</p> <p>As was discovered by KPMG and reported in Florida Third Party Test Exception 88, BellSouth is the only entity that has input to and considers changes at Step 7 of the process <u>that have not been submitted to the CCP as change requests for prioritization.</u></p> <p>See Item 1 above for the full details of the CLECs' support for their proposed language.</p>	<p>The issue in dispute is related to Item No. 1, and concerns the CLECs' proposal that BellSouth comply with the CCP, although only as it relates to Type 5 (BellSouth-initiated) Change Requests. BellSouth's proposed language would require adherence to the CCP for all Change Requests (not just Type 5s), but would clarify that BellSouth will implement CLEC-requested features in CLEC Production Releases as guided by the CLECs' prioritization. If for any reason the order of implementation requested by the CLECs cannot be met (e.g., technical constraints), BellSouth will provide the rationale. All Type 2, 4, 5 and 6 Change Requests, regardless of whether implemented in a CLEC or BellSouth Production Release will be communicated to the CCP membership, although BellSouth's Production Releases would not be subject to CLEC approval, as the CLECs' proposed language seeks to do.</p>
23	4.0 – Part 2 – Step 7, Act #3	D 43	<p>The establishment of the DCCoM function will enhance BellSouth's process and the coordination with the CLEC's parallel internal processes essential to the timely and effective implementation of prioritized changes.</p> <p>See Item 2 above for the full details of the CLECs' support for their</p>	<p>This issue in dispute is related to Item Nos. 2 and 21 and concerns the CLECs' request to participate in internal BellSouth meetings. For the reasons previously explained, BellSouth should be permitted to conduct internal business meetings without CLEC involvement, and there is no need for CLEC participation in those meetings in order for the CCP Process to function efficiently and effectively.</p>

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			proposed language.	
24	4.0 – Part 2 – Step 7, Act #4 1 st Paragraph	D 43	<p>In this portion of the process, the CLEC's proposal takes the results of the jointly prioritized plan for the timely implementation of all pending change requests developed per the discussion in Item 17 above to determine and schedule the required number of unified production releases (releases containing all types of changes – regulatory, defect, BellSouth initiated and CLEC initiated). Unified releases maximize the efficient utilization of BellSouth's programming resources.</p> <p>BellSouth's proposed modifications exclude CLECs from the process and restrict the scope of the planning process to be reactive rather than proactive. This makes it impossible for the CLECs to perform mutual impact assessment and resource planning to manage and schedule changes, which is a key objective of the CCP.</p>	<p>This issue in dispute is related to Item No. 4 and concerns the CLECs' proposed language which would require that BellSouth commit unlimited resource capacity to meet an infinite (yet undetermined) amount of demand (i.e., number of CLEC-initiated change requests) merely upon the request of CLECs to implement these features. There are hundreds of CLECs that potentially could make requests for new features. The defined process does not limit the number of CLECs who participate in CCP nor does it limit the number of change request any CLEC may request of BellSouth. No company has unlimited resources, and no ILEC, to BellSouth's knowledge, is subject to a Change Control Process by which CLECs determine the level of OSS investment that the incumbent must make. BellSouth has developed a comprehensive prioritization proposal by which: (i) BellSouth provides the estimated sizes for all features requested for prioritization along with the estimated amount of capacity available for the releases; and (ii) CLECs and BellSouth share equally available release capacity (after all scheduled defects are corrected, all regulatory mandates are implemented, and all needed updated industry standards are built). Under BellSouth's proposal, CLECs have the necessary tools to make an informed decision to prioritize features and determine which should be deployed first, second, etc., and can be assured that Change Requests will be implemented no later than 60 weeks from prioritization based on the priority assigned by the CLECs, and subject to available capacity. BellSouth's comprehensive prioritization proposal is reasonable and has been endorsed by both KPMG and the Staff of the Florida Public Service</p>

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				Commission. Consistent with that proposal, BellSouth recommends keeping the current language in this paragraph and adding the phrase "CLEC Production Release" to clarify which release is involved.
25	4.0 - Part 2 - Step 7, Act #4 2 nd Paragraph	D 43	<p>As discussed in Item 17 above, given that the prioritization and order of implementation under the CLEC's proposal is jointly determined, it is logical that any changes thereafter should be jointly determined and therefore require CLEC concurrence.</p> <p>A detailed discussion contrasting the impacts of unified versus separate release tracks and, highlighting the negative impacts of BellSouth's separate track proposal can be found in Item 17 above.</p>	BellSouth's suggested language details the approach that should be taken in scheduling the changes for the releases. The CLEC language does not take into account necessary maintenance that is required for efficiency and stabilization, acknowledgement of infrastructure upgrades, nor does it enable flexibility in utilizing the maintenance releases as the primary source for defect correction. Fundamentally, BellSouth has detailed how it can "dedicate capacity" to the CLECs in order to implement those changes important to them and enable BellSouth to continue with the necessary changes to enable it to operate efficiently.
26	4.0 - Part 2 - Step 7, Act #5	D 43	<p>There are two related but separate issues at this CCP section reference. First, the establishment of a 60 week interval for the implementation of feature change requests. Second, the use of joint prioritization to establish unified releases.</p> <p style="text-align: center;">60 Week Interval</p> <p>A major stated and published objective of the CCP is "Timely and effective implementation of feature and defect change requests." However, the existing CCP contains no intervals or guidelines for the actual implementation of feature change requests (Type-4 and Type-5 Change Requests, and undated Type-2s). See Item 4 above for the full details of the CLECs' support for their proposed language.</p> <p style="text-align: center;">Joint Prioritization / Unified Releases</p>	The issue in dispute is related to Item Nos. 4, 7, and 24 and concerns the CLECs' request that BellSouth devote unlimited release capacity to implementing every Change Request within 60 weeks of prioritization, which, for the reasons previously explained, BellSouth is unable to do. BellSouth has developed a comprehensive prioritization process that gives the CLECs the necessary tools to make an informed decision to prioritize features, that equitably distributes available release capacity, and that provides assurances that Change Requests will be implemented no later than 60 weeks from prioritization based on the priority assigned by the CLECs, subject to available capacity. BellSouth's proposal, which has been endorsed by KPMG and the Florida Public Service Commission Staff, is reasonable and should be adopted.

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			<p>The BellSouth caveats included in their proposed language here “in the CLEC Production Releases that will occur” and “subject to available capacity” are prime examples of the key differences between the CLEC’s and BellSouth’s overall positions on the nature of the CCP.</p> <p>See Item 5 above for the full details of the CLECs’ support for their proposed language.</p>	
27	4.0 – Part 2 – Step 10, Act #4	D 46	<p>Active project management of the implementation of upcoming releases is underway in this part of the process. The CLEC’s request the sharing of updated and sizing information as development occurs. BellSouth’s response is that it will not provide updates. This makes it impossible for the CLECs to perform mutual impact assessment and resource planning to manage and schedule changes, which is a key objective of the CCP.</p>	<p>BellSouth’s language clearly identifies the manner in which estimated units of effort will be provided consistent with the process to which the CLECs agreed earlier this year, which is outlined in Appendix H. The CLECs’ proposed language is too general and does not clearly set forth the information that BellSouth is to provide.</p>
28	4.0 – Part 3 – Header & 1 st Paragraph	D 48	<p>The CLEC’s propose a process (Exception Process) that with mutual consent will allow either the expedited implementation of a feature change request (Expedited Feature Process) or the implementation of a feature change request beyond the 60 week interval (Negotiated Extended Implementation Process) without prejudice.</p> <p>BellSouth rejects the Negotiated Extended Implementation Process (“BellSouth does not support.”), and modifies the Expedited Feature Process to exclude BellSouth initiated changes from the mutual consent requirement.</p>	<p>The CLECs have proposed this section in an attempt to address BellSouth’s concern about having to implement ALL features within 60 weeks as requested by the CLECs. Although the CLECs have proposed that BellSouth implement all features within 60 weeks of prioritization with NO constraints such as capacity, this section states that if BellSouth should not have enough capacity, it can present its case to the CCP membership and they will be the body to approve whether or not BellSouth is granted a stay of implementation of all features. This proposal is not practical or realistic. The CLECs have no incentive to grant BellSouth any relief, no matter how compelling the circumstances. As has been proven in past CCP meetings, the CLECs operate as a coalition against BellSouth, which has only one</p>

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				vote, in any matter when it comes to prioritization and scheduling. BellSouth cannot agree to such one-sided language, which places in the hands of CLECs the level of investment that BellSouth must make in its OSS. To BellSouth's knowledge, no other ILEC is subject to such a Change Control Process.
29	4.0 – Part 3 – Expedited Feature – 2 nd Bullet	D 48	<p>The CLECs propose a single process applicable to any feature change request regardless of its origin. See Item 31 below.</p> <p>BellSouth's modifications allow BellSouth the unilateral right to expedite its own changes without either consultation with or mutual consent of the CLECs. Historically, this is exactly how BellSouth has used this process.</p>	BellSouth's recommended language clarifies the agreement for expediting features consistent with CLEC Production Releases.
30	4.0 – Part 3 – Negotiated Extended Implementation	D 48	<p>Here and in the figure identified in Item 32, the CLECs propose a Negotiated Extended Implementation Interval Process.</p> <p>As discussed in Item 4 above, such a process directly addresses BellSouth's fear that CLECs would willfully over load the CCP with change requests in order to make it impossible for BellSouth to meet the 60 week implementation interval.</p> <p>BellSouth rejects the concept of a Negotiated Extended Implementation Interval without explanation.</p>	The issue in dispute is the same as Item No. 28. The CLECs' proposed language is one-sided and would place in the hands of CLECs the level of BellSouth's OSS investment, to which BellSouth cannot agree for the reasons previously explained.
31	4.0 – Part 3 – Enhancement – 4 th Bullet	D 49	The CLEC's proposal provides for the possible use of an Expedited Feature Process for all types of feature related change requests (2,3,4 and 5) by mutual consent. (See also Item 33 for the associated detailed Step 3A activities.)	BellSouth agrees with CCP membership concurring to expedites within CLEC Production Releases since these releases are "earmarked" for CLEC requests. Because BellSouth Production Releases are intended for implementing BellSouth priorities (which can include CLEC-initiated Change Requests), BellSouth should not

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			<p>BellSouth agrees that mutual consent should be obtained for the use of the Expedited Feature Process for Type 3 and Type 5 changes, but reserves to itself the right to unilaterally expedite Type 2 and Type 4 changes.</p> <p>See Item 6 above for the full details of the CLECs' support for their proposed language.</p>	<p>be required to consult the CCP membership for consensus in expediting features into a BellSouth Production Release. BellSouth does agree that the CCP should be notified of these expedite requests in an expeditious manner.</p>
32	4.0 – Part 3 – Figure 4-X: Negotiated Extended Imp. Feature Process	D 40-50	<p>Here and in Item 30 above, the CLECs propose a Negotiated Extended Implementation Interval Process.</p> <p>As discussed in Item 4 above, such a process directly addresses BellSouth's fear that CLECs would willfully over load the CCP with change requests in order to make it impossible for BellSouth to meet the 60 week implementation interval.</p> <p>BellSouth rejects the concept of a Negotiated Extended Implementation Interval without explanation.</p>	<p>The issue in dispute is related to Item Nos. 28 and 30, which concerns the CLEC proposal that, if BellSouth does not have enough capacity to implement Change Requests within 60 weeks, it can present its case to the CCP membership and they will be the body to approve whether or not BellSouth is granted a stay of implementation of all features. As previously explained, this proposal is not practical or realistic and would place in the hands of CLECs the level of investment that BellSouth must make in its OSS. To BellSouth's knowledge, no other ILEC is subject to such a Change Control Process.</p>
33	4.0 – Part 3 – Step 3A	D 55	<p>The CLECs present the detailed Step 3A information necessary to make mutual consent for expedited implementation proposal discussed above in Items 29 and 31 operational.</p> <p>BellSouth's recommended alternative allows BellSouth the unilateral right to expedite its own changes without either consultation with or mutual consent of the CLECs.</p>	<p>The issue in dispute is the same as Item Nos. 28, 30, and 32, which concerns the CLECs' proposal that the level of BellSouth's OSS investment be placed in their hands. BellSouth cannot agree to this proposal for the reasons previously explained.</p>
34	4.0 – Part 3 – Step 4, Act #2	D 55	<p>As BellSouth has confirmed, the processes being considered for change within BellSouth's internal process exist only to support</p>	<p>This issue in dispute is related to Item Nos. 2, 21, and 23 and concerns the CLECs' request to participate in internal BellSouth</p>

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			<p>BellSouth's operations to serve the CLECs. There is no relationship to any other portion of BellSouth's business. Despite this the CLECs have no visibility into the process or objective representation within it.</p> <p>See Item 2 above for the full details of the CLECs' support for their proposed language.</p>	<p>meetings. For the reasons previously explained, BellSouth should be permitted to conduct internal business meetings without CLEC involvement, and there is no need for CLEC participation in those meetings in order for the CCP Process to function efficiently and effectively.</p>
35	5.0 – 3 rd Paragraph	D 57	<p>Once again, BellSouth creates an issue with the definition of a defect that did not previously exist and as it did above in Item 9 ties reduced implementation intervals discussed below in Item 36 and 37 to it.</p> <p>See Item 2 above for the full details of the CLECs' support for their proposed language.</p>	<p>This issue in dispute is related to Item No. 8a and concerns the need to clarify a Type 6 Change Request as a true software defect, which would allow BellSouth to shorten the intervals applicable to implementing such Change Requests. The current definition of a Type 6 Change Request includes an oversight in documenting functionality, which is not a true software defect.</p>
36	5.0 – Medium	D 57	<p>BellSouth's recommended alternative language calls for the correction of medium impact defects in 45 business days (or next available maintenance release). The CLECs propose 20 business days for this same interval.</p> <p>See Item 9 above for the full details of the CLECs' support for their proposed language.</p>	<p>This issue in dispute is related to Item No. 9 and concerns the timeframe for correcting "medium impact" software defects. "Medium impact" software defects are defined as an impairment of a critical system function, although a workaround solution does exist. The current timeframe for correcting "medium impact" software defects – ninety (90) business days – was established to comply with an order entered by the Florida Public Service Commission last year in an arbitration initiated by AT&T. Docket No. 000731-TP, Order No. PSC-01-1402-FOF-TP. Even though the current timeframe for correcting "medium impact" software defects is the direct result of a state commission order, BellSouth is willing to reduce this interval to forty-five (45) business days, subject to approval of the new BellSouth language to clarify a Type 6 Change Request as a true software defect. Forty-five (45) days is a reasonable amount of time</p>

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				to correct a defect that has an acceptable workaround. This interval allows consideration of the defect priority to other features that may be in development and vying for resources and enables the defect to be implemented within the release schedule presented to the CCP members. It also would allow BellSouth to meet the CLECs's request that Type 6 defects be corrected in maintenance releases whenever possible thereby not affecting the production releases and their corresponding capacity. Maintenance Releases are normally scheduled any month that a production or industry release is not scheduled, and establishing a forty-five (45) business day interval should allow BellSouth to accommodate the CLECs' request.
37	5.0 – Low	D 58	BellSouth's recommended alternative language here calls for the correction of low impact defects in 60 business days. The CLEC's propose 30 business days for this same interval. See Item 9 above for the full details of the CLECs' support for their proposed language.	This issue in dispute is related to Item No. 9 and concerns the timeframe for correcting "low impact" software defects, which are defined as failures causing inconvenience or annoyance. The current timeframe for correcting "low impact" software defects is "best effort" because such defects have no immediate adverse impact to the users. As a result, correcting such defects does not and should not take a high priority in implementation, particularly when compared to other Change Requests. Nevertheless, BellSouth is willing to commit to correcting "low impact" software defects within sixty (60) business days, subject to approval of the new BellSouth language to clarify a Type 6 Change Request as a true software defect. Sixty (60) business days is a reasonable amount of time to correct a defect that does not detrimentally affect performance or stability or otherwise adversely impact a CLEC.
38	5.0 – Step 5 Cycle Time	D 65	At this reference point the detailed step level language necessary to make the medium and low impact correction intervals discussed in Items 36 and 37 above operational. The proper intervals based on	This issue in dispute is related to Item Nos. 9, 36, and 37 concerning the timeframes for correcting "medium impact" and "low impact" software defects. As previously explained, BellSouth has proposed

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			<p>BellSouth's demonstrated capabilities are 20 and 30 days respectively.</p> <p>See Item 9 above for the full details of the CLECs' support for their proposed language.</p>	<p>reducing the intervals applicable to correcting true software defects in order to address the CLECs' request that software defects be corrected in a shorter period of time. BellSouth can only accommodate this request if the definition of a Type 6 Change Request is clarified to include only true software defects, as BellSouth has proposed in Item No. 8a. Absent this clarification, errors in documenting functionality are considered a Type 6 Change Request, which requires work analogous to adding a new feature to fix and which cannot be accomplished in a shorter amount of time.</p>
39	6.0 – Part 1 - NOTE	D 71	<p>BellSouth creates an issue with the timing of prioritization sessions that did not previously exist.</p> <p>See Item 15 above for the full details of the CLECs' support for their proposed language.</p>	<p>BellSouth has proposed language to clarify that a prioritization meeting should only be held when applicable.</p>
40	6.0 – Part 2 4 th & 5 th bullets	D 71-72	<p>BellSouth elected to address Section 6.0 – Part 2, bullets 4 and 5 as separate line entries. The CLECs' comments are all included in Item 40.</p> <p>BellSouth's green-line alternatives for these two bullets are parallel to positions discussed above in Items 11 through 19.</p> <p>In addition, bullets 7 through 10 (including two associated footnotes, all discussed below in Item 41) are proposed by BellSouth as additional explanation of their efforts to limit the CLECs knowledge of and participation in the process.</p> <p>The CLECs propose the on-going sharing of information at each step in the process where the information is likely to change (for example</p>	<p>BellSouth's response does not disagree with the CLEC-requested language but rather explicitly details what the CLECs will receive. That is, BellSouth provides the CLECs options so that they can select a rolling release plan they choose for the following year. The plans include associated available units of capacity estimated for each release and estimated capacity for each Type 4 and Type 5 Feature that is a candidate for prioritization. This information has been provided for 2003 planning.</p>

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			<p>prioritization, release package development, release management and implementation, and post implementation. The CLEC's proposal requests that data at these points be provided in the same groupings of categories to allow for tracking and the early detection of potential problems. Appendix I (to which the parties have agreed) provides post implementation data in distinct categories. The CLECs propose Appendix 1-A (See Item 48 below and page 117 of the Updated CCP Document) for the reporting of Pre-Release Capacity Forecast information and changes during the process steps using the same categories as in Appendix I. With this constancy in the reporting of the basic process data the effectiveness of the process can be analyzed and improvement plans developed.</p> <p>BellSouth's proposed language in contrast limits providing sizing information to only certain types of change requests, and only at a single point in the process (prioritization). Further it limits the sharing of information on releases to an annual snapshot in a format and grouping inconsistent with Appendix I making both in progress evaluation of the process and post implementation evaluations impossible (See Item 48 below and page 118 of the Updated CCP Document). BellSouth's proposal excludes the CLECs from access to information about the process as changes occur which are vital to the CLECs internal resource planning.</p>	
40a	6.0 – Part 2 5 th bullet	D 72	BellSouth elected to address Section 6.0 – Part 2, bullets 4 and 5 as separate line entries. The CLECs' comments are all included in Item 40.	This issue in dispute is related to Item Nos. 11, 18, 19, and 20 and concerns the information to be provided in connection with CLEC prioritization efforts. BellSouth is committed to providing complete and timely information to assist the CLECs, which earlier this year agreed to a process (contained in Appendix H) by which BellSouth

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				<p>provides the feature sizing for the Type 4 and Type 5 Change Requests that are candidates for prioritization. Once the CLECs have prioritized the features, BellSouth provides the Flagship Feature Release Schedule, which contains a 12-month view of features scheduled, implemented or planned. The parties disagree about the specific feature sizing information that should be provided. The CLECs' Appendix I-A suggests that there is a set amount of capacity for each category they list by release. This is not the case. Production Releases, whether a CLEC or BellSouth Production Release, can have Types 2, 4, 5, or 6 Change Requests. In the case of the Type 4s and 5s, they are optional and entirely dependent upon whether it is a CLEC or BellSouth Production Release. In either case, during a "Pre-Release" point in time, these releases are open to any and all types as mentioned. Listing Units by category, as the CLECs' proposed Appendix I-A would require BellSouth do so, erroneously presumes that BellSouth knows how much capacity by category each release would have before prioritization and release planning by the CLECs. Although BellSouth could arbitrarily designate release capacity by category, there is no logical basis for doing so. As an alternative, BellSouth offers Appendix I-B, which provides pre-release capacity information, expressed in units, and provides the intelligence for the CLECs to determine the pre-release capacity available. It also allows for the flexibility and reality of how the Change Request types correspond to release types. For example, Type 6s and PSN mandates are predominantly targeted for maintenance releases, while Types 2s, 4s, and 5s are targeted for production releases in accordance with the BellSouth and CLEC Production Release guidelines. Lastly, Type 3s are targeted for the Industry Release. The information that BellSouth proposes to provide to the CLECs to assist in the prioritization effort,</p>

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				as outlined in Appendix I-B, is reasonable and should be adopted.
41	6.0 – Part 2 – Bullets 7-10	D 72	<p>In footnote 14 BellSouth expressly states that the management and implementation of its own change requests and its own releases will be “outside of this process.” BellSouth’s proposal prevents the CLECs from being able to perform mutual impact assessment and resource planning to manage and schedule changes, which is a key objective of the CCP.</p> <p>In Bullet 7 BellSouth uses the term “rolling release plan.” However, experience has proven that this is nothing more than an annual single point in time snapshot of the next year’s preliminary plans. For 2003, this snapshot was not delivered until May of 2002, illustrating that BellSouth is not currently performing any proactive planning based upon change requests submitted to it Change Control Group. The CLEC’s related proposals are for the forward looking quarterly updating and sharing of a true rolling release plan for the balance of the current year and the next based upon implementation of prioritized change requests within in a 60 week interval.</p> <p>In Bullet 7, BellSouth further states that it will produce two views, with and without the inclusion of an Industry Standard Release and then require the CLECs to vote between the two. Industry Standard Releases have not and will not occur on an annual basis; the last one was in 1999 and the next one will not be until 2003. The CLEC’s related proposals call for the preparation and analysis of a number of alternatives for future release plans resulting in a consensus decision over a planning horizon that addresses all forecast needs, including infrastructure upgrades and industry standard upgrades as required. It is clear from the limited data that BellSouth has provided concerning</p>	<p>The bullet points detail the options provided to the CLECs under BellSouth’s comprehensive prioritization proposal. That is, the CLECs have the option to select whether or not to have an Industry Release (Type 3s) for a given year or whether to focus on Production Releases (Type 4s and 5s). Furthermore, it defines the equal allocation of capacity between the CLEC and BellSouth Production Releases. Lastly, it defines the commitment to deploy features in a timely manner. This proposal provides the CLEC with the flexibility and options to make their own decisions on how to use the releases in the coming year.</p>

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			<p>2003 that their planning made no allowances for either the necessary infrastructure upgrade or industry standard releases – it was simply based on the assumption that the “2003 program demand would be similar to 2002.”</p> <p>In Bullet 8, BellSouth makes a half-hearted and inappropriate commitment that “Total CLEC and BST production releases are equal in estimated number of units capacity.” As discussed above in Item 17 there is no justification for this blind allocation of resources and it is in fact detrimental to the accomplishment of the prime objective of the CCP, timely and effective implementation of feature and defect change requests.</p> <p>In Bullets 9 and 10, BellSouth repeats its proposals to limit the scope of the process to “CLEC Production Releases” and “available capacity”. In footnote 14 it expressly states that the management and implementation of its own change requests and its own releases will be “outside of this process.” BellSouth’s proposal prevents the CLECs from being able to perform mutual impact assessment and resource planning to manage and schedule changes, which is a key objective of the CCP.</p>	
42	6.0 – Part 4	D 75-76	<p>In Part Four many of the individual Items discussed above related to sizing, sequencing and the use of prioritization are repeated.</p> <p>BellSouth’s modifications and caveats include “for the release being scoped”, “for the next CLEC production release(s)”, “may develop several variations of release packages”, and “into this CLEC Production Release”. Related Items discussed above include 1, 4, 5,</p>	<p>This issue in dispute is related to Item Nos. 4, 7, 24 and 26, which concern the CLECs’ request that BellSouth devote unlimited release capacity to implementing every Change Request within 60 weeks of prioritization, which, for the reasons previously explained, BellSouth is unwilling to do. BellSouth has developed a comprehensive prioritization process that gives the CLECs the necessary tools to make an informed decision to prioritize features, that equitably</p>

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			<p>7, 8, 15, 17, 22, 24, 25, 26, 40, and 41.</p> <p>Footnote 15 states "Capacity estimates for change requests and releases will be used as a guide in determining how many change requests will be assigned to these releases." clearly demonstrating that BellSouth is determining release capacity first without consideration of demand, and then limiting the number of changes that can be implemented based upon the arbitrarily determined release capacity.</p> <p>In addition, BellSouth provides four bullets labeled "Release Implementation Hierarchy". The CLECs concur with the first three bullets as written, and would agree to the fourth with the addition of the following phrase "and may be assigned to any production release".</p>	<p>distributes available release capacity, and that provides assurances that Change Requests will be implemented no later than 60 weeks from prioritization based on the priority assigned by the CLECs and subject to available capacity. BellSouth's proposal, which has been endorsed by KPMG and the Florida Public Service Commission Staff, is reasonable and should be adopted.</p>
43	6.0 – Part 5	D 76-77	<p>In Part Five many of the individual Items discussed above related to Release Capacity forecasting, Allocation, and Reporting are repeated. Related Items include 11, 12, 13, 14, 16, 17, 18, 19, 20, 27, and 40.</p> <p>The CLEC's proposal is clearly more comprehensive and as discussed above more consistent, with the objectives of the CCP, evaluation of its effectiveness and on-going improvement.</p> <p>The CLECs agree with and adopt the last bullet in BellSouth's proposal "On an ongoing basis, Legacy System Releases will be posted to the website. See Appendix J."</p>	<p>BellSouth's proposed language outlines the Forecast and Planning Information that is now available to the CLECs. Most of these tools were not available at the time the CLECs drafted their proposed language or were recently implemented. All of this information was provided at the request of the CLECs and should provide the information necessary for their planning.</p> <p>BellSouth agreed and has provided the estimated units available for Type 3 (typically referred to as an industry release or ELMSx) and has provided the estimated units of capacity of the remaining releases. The remaining capacity is shown as CLEC Production Release(s), BellSouth Production Release(s) and Maintenance Releases. BellSouth's proposed language details the actual deliverables and commitments.</p>

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				BellSouth's language again details how it will provide the information requested by the CLECs. BellSouth provided the information in a release management planning format in order for the CLECs to view it as a project timeline. Maintenance releases are provided with estimated units of capacity. Both public switch network and Type 6 changes are expected to be deployed in these releases. Type 2 (Flow Through) Features were provided with estimated Units of Capacity, along with estimates for Types 4 and 5 change requests. Type 3 is a standalone release and was provided as well.
44	10.0	O 88-96	This item is still under negotiation between the CLECs and BellSouth and is not being presented to the GA PSC for a decision. The joint development of an updated testing process is underway. It is anticipated that a workshop or other exchange of language for this section to resolve this issue will be held in the near future.	This issue is still under discussion by BellSouth and the CLECs.
45	11.0 – Terms & Definitions – Release - Production	O 104	This item is still under negotiation between the CLECs and BellSouth and is not being presented to the GA PSC for a decision.	This issue is still under discussion by BellSouth and the CLECs.
46	11.0 – Terms & Definitions-Release Capacity Measurement	D 104	This is Item 43 in the format of a terminology definition. See Item 43 and its other related Items. This definition will be changed to reflect the Commission's decisions on the underlying Items.	This issue in dispute is related to Item Nos. 11, 18, 19, 20, and 40a and concerns the information to be provided in connection with CLEC prioritization efforts. BellSouth is committed to providing complete and timely information to assist the CLECs, which BellSouth's proposal would do.
47	Appendix D	O 109-110	This item is still under negotiation between the CLECs and BellSouth and is not being presented to the GA PSC for a decision.	This issue is still under discussion by BellSouth and the CLECs.
48	Appendix I-A	D	The CLEC's proposed format is consistent with Appendix I and will	This issue in dispute is related to Item Nos. 11, 18, 19, 20, 40a, and 46

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	& I-B	117- 118	allow for direct evaluation of the process and the development of improvement plans. The BellSouth proposed format will not provide these capabilities. The BellSouth proposed format however does provide valuable information and should be approved as a supplemental format.	and concerns the information to be provided in connection with CLEC prioritization efforts. BellSouth is committed to providing complete and timely information to assist the CLECs, which BellSouth's proposal would do.
49	11:0 – Terms & Conditions – Defect Definition	D 101	This is Item 9 in the form of a terminology definition. See Item 9 above for the full details of the CLECs' support for their proposed language.	This issue in dispute is related to Item Nos. 8a and 35 concerns the need to clarify a Type 6 Change Request as a true software defect, which would allow BellSouth to shorten the intervals applicable to implementing such Change Requests. The current definition of a Type 6 Change Request does not accurately define a software defect because it includes an oversight in documenting functionality. BellSouth's proposal to clarify this definition to include only true software defects would allow BellSouth to shorten the intervals applicable to implementing Type 6 Change Requests, as the CLECs have requested. Absent this clarification, errors in documenting functionality are considered a Type 6 Change Request, which requires work analogous to adding a new feature to fix and which cannot be accomplished in a shorter amount of time.

ATTACHMENT 4

JOINT DECLARATION OF JAY M. BRADBURY
AND SHARON E. NORRIS

June 10, 2002

IN RE: *Performance Measurements for Telecommunications Interconnection,
Unbundling and Resale; Docket No. 7892-U*

BellSouth and CLECs:

Please jointly file an updated Change Control Process document . This document should contain all previously agreed upon changes in black text and all proposed language changes in red text (CLEC changes) or green text (BellSouth changes). In addition, please jointly file a spreadsheet outlining your arguments for or against each disputed issue.

Also, file comments individually pertaining to any performance metrics benchmarks/analogues recommended at the workshop to measure BellSouth's performance in the Change Control Process.

The CCP document, spreadsheet, and comments are due June 24, 2002. Please contact me at 404.463.2151 if you have any questions or concerns.

Sincerely,

Patrick Reinhardt
Utilities Engineer
Telecommunications

ATTACHMENT 5

JOINT DECLARATION OF JAY M. BRADBURY
AND SHARON E. NORRIS



Joan Marsh
Director
Federal Government Affairs

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April 19, 2002

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

Re: *Second Joint Application of BellSouth for Provision of In-Region, InterLATA Services in Georgia and Louisiana, CC Docket No. 02-35.*

Dear Ms. Dortch:

AT&T Corp. ("AT&T") submits this letter in response to BellSouth's Supplemental Reply Comments and recent ex partes. The record in this proceeding establishes that BellSouth continues to fall substantially short of the requirements of Section 271 and the Commission's prior orders.

This *ex parte* focuses on two areas in which the problems revealed by the record are particularly severe. Part I addresses BellSouth's change control processes, which, as the record evidence (including the evaluation submitted by the Department of Justice) confirms, remains badly dysfunctional. Part II addresses issues of data integrity, focusing on the service order accuracy measurement that BellSouth recently and unilaterally revised. As is discussed in more detail below, and in the accompanying affidavit of Robert Bell, KPMG in the Florida metrics test has found that BellSouth has biased its service order accuracy results by manipulating and increasing its sample sizes whenever the data would otherwise show unacceptable performance.

I. BELLSOUTH HAS NEITHER ESTABLISHED, NOR ADHERED TO, AN ADEQUATE CHANGE CONTROL PROCESS.

The Commission has previously held that "in determining section 271 compliance, we review the adequacy of the change management plan *that is in place at the time the application is filed*. We further review whether the BOC has demonstrated a pattern of compliance with the plan." *Texas 271 Order* ¶ 117 (emphasis added). The record demonstrates, however, that the BellSouth change control process ("CCP") in effect at the time of its latest application is inadequate – and would be inadequate even with the modifications that BellSouth proposes to make in the process. Furthermore, BellSouth has not even complied with the inadequate CCP currently in effect.

To be effective, a change management process must be designed to implement changes according to their priority, in a timely manner, and with a minimum of defects, regardless of who

initiated the change. See Bradbury/Norris Supp. Decl. ¶ 153. BellSouth's CCP does not meet those criteria. Moreover, none of BellSouth's recently-made or proposed modifications to the CCP would fix the fundamental, core defects in the CCP that deny CLECs a meaningful opportunity to compete. These defects include BellSouth's exclusive veto power over change requests; BellSouth's exclusive control over the prioritization, implementation, and scheduling of change requests; the substantial backlog of change requests; and the inadequacy of the test environment that BellSouth provides to CLECs. Bradbury/Norris Supp. Decl. ¶¶ 147-175.¹

The existing CCP plainly denies CLECs a meaningful opportunity to compete, because it gives BellSouth's total control over the prioritization and implementation of changes to its OSS. That control is demonstrated by AT&T's evidence – and BellSouth's own data – regarding the current backlog of change requests, and the limited number of CLEC-initiated change requests that BellSouth has actually implemented. BellSouth, for example, does not dispute the data that AT&T presented showing the substantial backlog of change requests. *Id.* ¶¶ 145-147 (showing that 93 change requests for features, and 33 defect change requests, had not been implemented as of February 20, 2002). Instead, BellSouth describes the backlog only as “the 40 Change Requests that are in ‘new’ or ‘pending clarification’ status” as of March 24, 2002, according to its own data. Stacy Supp. Reply Aff. ¶ 61. BellSouth's crabbed definition of “backlog” is unrealistic. BellSouth admits that its calculation of the backlog omits 55 change requests that have been scheduled but not implemented, 50 change requests that have not even been prioritized (“pending” requests), and 7 requests that have been prioritized, but have not been scheduled for implementation (“candidate requests”). *Id.*² When these change requests are included in BellSouth's calculation, the data show a backlog of 152 change requests as of March 24, 2002 – a volume larger than the backlog of 126 change requests that AT&T had calculated as of February. Compare *id.* with Bradbury/Norris Supp. Decl. ¶ 145.³

The few excuses that BellSouth offers for this backlog are without merit. For example, although it asserts that the majority of the 29 feature requests still classified as “new” were submitted before the 10-business-day deadline for acknowledgment went into effect in September 2001, BellSouth offers no explanation of why it *still* has not even validated these requests so long after their

¹ The various modifications that BellSouth proposes or promises to make in the CCP are of no value in any event, since they are irrelevant to the issue of whether the CCP currently complies with Section 271. *Michigan 271 Order* ¶¶ 55, 179.

² BellSouth misleadingly suggests that 50 change requests are “awaiting prioritization by the CLECs” (and are thus “beyond BellSouth's control”) because CLECs have deliberately chosen not to prioritize any change requests since April 15, 2001. See BellSouth Supp. Reply Br. at 26-27; Stacy Supp. Reply Aff. ¶¶ 61, 70. The CLECs have not been able to prioritize change requests since last April because BellSouth has refused to provide CLECs with the release capacity information (including information regarding the capacity of future planned releases and the sizing of individual change requests), that they need in order to make any meaningful prioritization decisions. Although BellSouth agreed to provide to provide such sizing information in the “green-lined” version of the CCP that it submitted to the GPSC in February 2002, it still has not provided CLECs with information regarding the capacity of its releases. AT&T Supp. Reply Br. at 24 & n.32. In any event, BellSouth's description of the CLECs' prioritization decisions as “beyond [its] control” is disingenuous, since BellSouth alone makes the final prioritization decisions (and, in the case of the many areas that BellSouth regards as not subject to the CCP, such as legacy systems and billing, makes no provision even for CLECs to recommend prioritization of changes).

³ Similarly, in its response to KPMG Exception 157 (which found “significant defects” in BellSouth's recent software releases), BellSouth admitted that its own March 5, 2002 analysis revealed a backlog of 38 system defects and 22 documentation requests. Stacy Reply Aff., Exh. WNS-12 at 5. BellSouth's figure was even higher than the backlog of 33 defect change requests as of February 20, 2002, that AT&T described in its evidence. Bradbury/Norris Supp. Decl. ¶ 147.

submission. Nor has BellSouth offered any reason why it failed to meet the 10-day deadline for requests filed since September 2001. Bradbury/Norris Decl. ¶ 145.⁴ Similarly, BellSouth's claim that the CCP requires only its "best efforts" in correcting low-impact defect change requests ignores not only its long delays in implementing such requests, but the fact that Service Quality Measurements to which it has agreed set a 120-day deadline for such implementation (which BellSouth has not met).

BellSouth's own data also substantiate AT&T's evidence that BellSouth has implemented only a limited number of CLEC-initiated change requests. See Bradbury/Norris Supp. Decl. ¶ 148. Although it attempts to obfuscate the issue by asserting that it has implemented a total of 338 change requests of *all* types between June 1999 and March 24, 2002, BellSouth ultimately concedes that it has implemented only 75 prioritized feature change requests (37 "CLEC-initiated" change requests and 38 "BellSouth-initiated" change requests) during this 33-month period – an average of little more than two prioritized change requests per month. BellSouth Supp. Reply Br. at 26; Stacy Supp. Reply Aff. ¶ 64. Far from constituting "compelling evidence that the process is working" (BellSouth Supp. Reply Br. at 26), this record shows the total inadequacy of the existing CCP. Furthermore, despite its professed commitment to improve the CCP, BellSouth's own data show that its abysmal implementation record has continued. During the last 5 months, BellSouth has implemented only 10 prioritized change requests – a rate of implementation no better than in the past.⁵

BellSouth's data also demonstrate that most of the change requests that it has implemented are *defect* change requests – *i.e.*, change requests to repair defects in releases that it previously implemented. As previously indicated, of the 338 change requests that BellSouth claimed to have implemented as of March 24, 2002, only 75 are prioritized feature requests. With the exception of a small number of change requests for regulatory mandates and industry standards, all of the remaining 263 change requests were defect change requests. See BellSouth Supp. Br. at 26. Similarly, although BellSouth claims that it has implemented "more than 60 change requests" in the last three months, it fails to mention that 47 of these requests were defect change requests. Stacy Supp. Reply Aff. ¶ 17.⁶

The best evidence of the continuing problems in the CCP is found in BellSouth's own CCP Quarterly Tracking Report for the first quarter of 2002, which was issued on April 9, 2002. That report confirms that: (1) a substantial backlog of change requests exists, (2) BellSouth continues to implement CLEC-initiated change requests at a glacial pace; and (3) defect corrections comprise the

⁴ BellSouth's explanation for its delay in handling CR0127, which ITC DeltaCom submitted in August 2000 for implementation of a Pending Service Order ("PSO") indicator in the TAG interface, is similarly frivolous and misleading. See Stacy Supp. Reply Aff. ¶ 146. Although BellSouth suggests that this change request was submitted recently, it was actually submitted in August 2000. Bradbury/Norris Supp. Decl., Att. 38 at 4. BellSouth acknowledges that only recently did its "further investigation" reveal (contrary to the representations that it made to the Commission last November) that the PSO indicator was not available for CSRs obtained via TAG. However, BellSouth offers no explanation for its failure to take any action on ITC DeltaCom's request for at least twelve months before even determining whether the request was valid. Stacy Supp. Reply Aff. ¶ 146.

⁵ Compare Stacy Supp. Reply Aff. ¶ 64 (stating that as of March 24, 2002, BellSouth had implemented a total of 37 "CLEC-initiated" and 38 "BellSouth-initiated" change requests) with Stacy Reply Aff. ¶ 63 (stating that BellSouth had implemented 32 "CLEC-initiated" change requests and 33 "BellSouth-initiated" change requests as of October 15, 2001).

⁶ Although BellSouth claims that its "progress in implementing Change Requests is illustrated by the work completed in just the last three months" in implementing Releases 10.3, 10.3.1, and 10.4, at least four of those change requests (such as those involving the parsed CSR and the "single C order") were implemented due to regulatory orders. Furthermore, BellSouth erroneously treats its implementation of the parsed CSR and order tracking functionalities as four separate change requests, rather than two. See Stacy Supp. Reply Aff. ¶ 66-68; see also BellSouth Supp. Reply Br. at 27-28. And, of course, BellSouth fails to mention the 47 defect corrections that it made during the same period.

overwhelming majority of the change requests implemented by BellSouth. For example, the report shows a backlog of 96 feature change requests (Types 2, 3, 4, and 5) existed as of April 9. Even if the 19 feature change requests described as "new" are excluded, only 24 of the remaining 77 requests have been scheduled for implementation, and only 18 other requests have even been prioritized. See Attachment 1 hereto (BellSouth Current Log Summary in CCP Quarterly Tracking Report).⁷ The report lists an additional 68 defect change requests (Type 6) that have not been implemented; of the 52 Type 6 requests that are not "new," only 42 have been scheduled for implementation. *Id.*

The Report also confirms that most of the change requests that BellSouth *has* implemented have been defect corrections. The Report states that as of April 9, BellSouth has implemented a total of 344 change requests since the inception of the change control process. Of those 344 implemented requests, 250 requests were Type 6, 38 requests were CLEC-initiated (Type 5), 38 requests were BellSouth-initiated (Type 4), and 18 requests were regulatory mandates (Type 2).⁸ In short, defect change requests have accounted for more than 72 percent of the change requests implemented by BellSouth – in contrast to the 75 prioritized feature change requests, which represent less than 25 percent of the total (and which, on average, were implemented at a rate of only two per month during the 33-month period measured in BellSouth's report).⁹

In short, BellSouth's own Quarterly Tracking Report shows not only its failure to implement CLEC change requests in a timely manner, but also its persistent implementation of software with serious flaws. The latter problem is particularly harmful to CLECs, given BellSouth's additional failure to provide CLECs with a suitable test environment that would enable them to identify such defects before the scheduled implementation. AT&T Supp. Reply Br. at 26.

Finally, BellSouth's own data show that even when it agrees to implement a CLEC-initiated change request, BellSouth is slow to do so. BellSouth has acknowledged that the *average* interval from submission of a CLEC change request to its implementation was 164 days – almost three times that for a BellSouth-initiated change request. Bradbury/Norris Decl. ¶ 151 (noting that BellSouth's figures are, if anything, understated). Tellingly, although it claims to have made improvements in the CCP since last November, BellSouth does not claim that it has reduced this interval. In fact, some of the change requests that BellSouth implemented earlier this year (such as Change Requests 0369 and 0371) were submitted as long ago as 1999. See Stacy Supp. Reply Aff. ¶¶ 66-67; Bradbury/Norris Supp. Decl. ¶ 152 & Att. 40.

BellSouth's various proposals and promises to improve the CCP will not alter its continuing, exclusive control over the prioritization and implementation process. As AT&T and other parties have shown, for example, BellSouth's initial proposal to allocate 40 percent of annual release capacity to "CLEC change requests and/or CLEC regulatory driven mandates" represented no change from the

⁷ CLEC-initiated and BellSouth-initiated feature change requests account for all but 27 of these feature change requests, regardless of whether "new" requests are included. Of the remaining 27 change requests, 26 are Type 2 (regulatory) and 1 is Type 3 (industry standard), which are not subject to prioritization under the CCP.

⁸ These figures were computed by combining two tables in the CCP Quarterly Report which are attached hereto as Attachment 1. BellSouth's Current Log Summary, which reflects any change requests implemented within the last 30 days; and BellSouth's Archive Log Summary, which reflects all change requests that have been implemented more than 30 days ago.

⁹ BellSouth's current Change Control Release Schedule shows that 60 percent of the change requests scheduled for implementation in 2002 are defect change requests; only 25 percent of the scheduled requests are prioritized feature requests (either CLEC-initiated or BellSouth-initiated). Bradbury/Norris Supp. Decl. ¶ 161 & n.68.

status quo. AT&T Supp. Br. at 24 ; AT&T Supp Reply Br. at 22-23 & n.31. BellSouth's subsequent proposal to allocate to CLECs "at least 50 percent" of release capacity remaining after allocation of Types 2, 3, and 6 changes is at least as deficient as – and in some respects *worse* than – BellSouth's "40% Solution." Neither proposal takes into consideration the importance of the change being requested. *Id.* Furthermore, BellSouth's promise to implement the "CLECs' top 15 change requests" during 2002 not only remains unfulfilled, but also reflects its exclusive power to determine what change requests will be implemented, and when. AT&T Supp. Reply Br. at 23-24.¹⁰ BellSouth has not even addressed, much less disputed, these deficiencies.

Faced with this evidence, BellSouth has instead suggested that: (1) the problems in the CCP described by the CLECs are, at least in part, a matter of the CLECs' own making; and (2) any deficiencies in the CCP can be resolved in current discussions between BellSouth and the CLECs or, to the extent that such discussions are unsuccessful, by the GPSC in its current review of the CCP. Neither of these arguments withstands scrutiny, and neither is calculated to address the inadequacies of the current CCP.

More specifically, the current discussions underway between BellSouth and the CLECs regarding the CCP also provide no basis for concluding that the core deficiencies in the CCP will be corrected in the near future. BellSouth and the CLECs met to discuss the "redline/greenline" document on March 28, 2002.¹¹ Another meeting was held on April 11, 2002. Although the discussions have been fruitful in some respects, no progress has been made in resolving the central deficiencies in the process, including BellSouth's exclusive control over prioritization, implementation, and scheduling of change requests.

It was clear from the outset of the March 28th meeting that BellSouth had not prepared any tools or suggestions in advance to facilitate discussions. Thus, the parties agreed to use a tracking tool matrix prepared by AT&T (based on the red-lined and green-lined versions) as the basis for discussions.¹² The parties discussed 17 of the 31 issues in the matrix prepared by AT&T, and reached resolution on at least 8 issues.

The issues that were *not* resolved at the March 28th meeting, however, are significant. For example, BellSouth continued to refuse to agree to the CLECs' proposal (in their red-lined version) that the scope of the CCP be clarified to include changes to gateways, changes to linkages between interfaces and its internal systems (including not only its linkage systems such as LEO and LESOG, but also manual work centers), and changes to billing systems. *See* Bradbury/Norris Decl., Att. 57 at 12-13.¹³ BellSouth agreed only to investigate, and propose, language that it would accept regarding

¹⁰ BellSouth's proposal to implement the "top 15" CLEC change requests also does not address the issue of what additional CLEC-prioritized requests will be implemented (or when) during 2002, or thereafter. AT&T Supp. Br. at 26-27; Bradbury/Norris Decl. ¶ 166. Indeed, BellSouth does not even commit to a specific schedule for implementation of the "top 15" CLEC change requests during 2002, but merely asserts that eight of the requests are scheduled for implementation by the end of June. BellSouth Supp. Reply Br. at 18, 28. *See also* Stacy Supp. Reply Aff. ¶ 65 (stating only that BellSouth "has committed to implementing the 'top 15' CLEC prioritized Change Requests this year and is well on its way to meeting this commitment").

¹¹ BellSouth finally agreed to the March 28, 2002 meeting after rejecting AT&T's request for such a meeting two months earlier. *See* AT&T Supp. Br. at 24-25 n.26 & Bradbury/Norris Supp. Decl. ¶¶ 158-159.

¹² *See ex parte* letter from Kathleen B. Levitz (BellSouth) to William Caton, dated April 9, 2002 ("April 9 *ex parte*"), Att. A at 2 (minutes of March 28, 2002 meeting).

¹³ *See* Bradbury Opening Decl. ¶¶ 201, 205; Bradbury/Norris Supp. Decl. ¶¶ 167-168. The CLECs' proposal is consistent with the Commission's holding that a BOC's obligation to provide nondiscriminatory access to its OSS extends

its legacy and billing systems. April 9 *ex parte*, Att. A at 4, 6. Furthermore, although BellSouth agreed to include the development of interfaces in the CCP, the issue of what "interfaces" BellSouth is willing to include has not been resolved. *Id.* at 4.

More fundamentally, the March 28th meeting did not resolve the issues of BellSouth's control over prioritization, implementation, and scheduling of change requests. BellSouth, for example, rejected the CLECs' proposal to include CLEC participation (through a "Designated CLEC Co-Moderator") in BellSouth's internal prioritization process, which makes the final determination of the prioritization and scheduling of change requests. See April 9 *ex parte*, Att. A at 6; Bradbury/Norris Supp. Decl. ¶ 165.

A second "redline/greenline meeting" was held by the parties on April 11, 2002. Like the March 28th meeting, the April 11th meeting resulted in progress on some issues. The parties reached agreement on most "administrative issues," and resolved 11 of 50 substantive issues described in the updated tracking tool matrix.

The April 11th meeting, however, did not resolve the issues of prioritization, implementation, sequencing, and scheduling of change requests. In fact, the position that BellSouth took on these issues appeared to represent a retreat from that which it took at the March 28th meeting. As a replacement for its "50/50 Solution," for example, BellSouth made a proposal that is *worse* than its predecessor. BellSouth proposed that:

- There be *separate* production releases for the CLECs and for BellSouth;
- The CLECs could prioritize both CLEC-initiated (Type 5) and BellSouth-initiated (Type 4) changes, and could elect to have Type 4 change requests implemented in "their" releases;
- BellSouth would follow the prioritization and scheduling determined by the CLECs to be implemented in the "CLEC releases," but would have *sole* control over what changes are implemented - and when - in the "BellSouth releases"; and
- BellSouth would implement prioritized CLEC-initiated change requests within 60 weeks, subject to "capacity restraints."

Although it does not contain the flawed percentage allocation approach embodied in its "40% Solution" and "50/50 Solution," BellSouth's latest proposal is deficient in other significant respects. For example, the proposal would arbitrarily divide releases by CLECs and by BellSouth and focus on the originator of the changes, rather than determine implementation of changes according to their need through simultaneous consideration of Type 4 and Type 5 changes by all parties. Bradbury/Norris Decl. ¶ 153. Moreover, under its proposal BellSouth would continue to exercise the same exclusive control over prioritization and implementation of its "Type 4" change requests that it has today (except to the extent that CLECs included Type 4 change requests in "their" releases). Finally, BellSouth's proposal to implement prioritized Type 5 requests within 60 weeks "subject to capacity constraints" is

not merely to interfaces, but also to "any electronic or manual processing link between that interface and the BOC's internal operations support systems (including all necessary back office systems and personnel)" and all of the legacy systems that a BOC uses in providing UNEs or resale services to CLECs. See *Michigan 271 Order* ¶¶ 134-135. At the March 28th meeting, BellSouth reiterated its previous position that it would support inclusion of changes to billing systems within the scope of the CCP only to the extent that "certain ordering or pre-ordering requests to the CLEC interfaces may result in changes to the billing systems and testing" -- a limitation that ignores the fact that changes to BellSouth's billing systems are important to CLECs, regardless of their cause. Bradbury/Norris Supp. Decl. ¶ 168.

meaningless, since it would leave BellSouth with the exclusive power to decide whether capacity is sufficient to permit implementation.

BellSouth's position on other issues at the April 11th meeting called into further question its willingness to correct fundamental deficiencies in the CCP. BellSouth had indicated at the March 28th meeting that it would propose new language regarding the inclusion of legacy systems and billing systems within the scope of the CCP. At the April 11th meeting, however, BellSouth proposed only language concerning billing – and that language made only a meaningless “commitment” to advise CLECs at quarterly Local Wholesale Billing Forums of billing changes that “may impact the CLECs.”¹⁴ BellSouth also provided no indication that it is willing to reconsider its refusal to include linkages, legacy systems, and work centers within the scope of the CCP. Moreover, despite its professed commitment to provide information regarding the capacity of its releases to the CLECs, BellSouth still failed to provide such information at the April 11th meeting – and even stated that it did not know what the capacity of its releases would be for 2003.¹⁵

In short, the March 28th and April 11th meetings have achieved progress on some issues, but have not made any headway in resolving the most fundamental problems with the existing CCP. Furthermore, assuming that these problems remain unresolved in the meetings between the parties, it is uncertain whether, or when, that they will be fixed in the current Georgia PSC proceedings involving the CCP, notwithstanding BellSouth's assertion that those proceedings “will result in further process improvements.” BellSouth Supp. Reply Br. at 18. The Georgia PSC has set no schedule for resolution of CCP issues in its proceedings. Moreover, the Georgia PSC has already found – despite overwhelming evidence to the contrary in its own Section 271 proceedings and in the current Commission proceedings – that the current CCP is an “effective” process to which BellSouth “has adhered over time.” GPSC Comments filed March 5, 2002, at 25, 28.¹⁶ Even the Department of Justice, however, cited the lack of BellSouth's compliance with the CCP – including BellSouth's recent failure to follow the CCP in implementing some of the “improvements” on which it relies in its latest Application – as one of the DOJ's principal concerns about the Application. *E.g.*, DOJ Eval. at 7-8, 13-14, 16.

For these reasons, BellSouth has failed to demonstrate that its change management process satisfies the requirements of Section 271. The existing CCP is demonstrably inadequate to afford

¹⁴ BellSouth's proposal is meaningless, because BellSouth alone would determine what changes in its billing systems “may” impact CLECs. Moreover, by providing that such changes would be announced only at quarterly billing forums, BellSouth's proposal creates the possibility that the CLECs would learn of such changes only *after* they had been implemented. BellSouth further sought to limit the applicability of the CCP to billing by proposing language that would require requests for changes to billing to be handled only through national industry forums that oversee billing standards – not through the CCP.

¹⁵ Two representatives from BellSouth's Information Technology organization stated at the April 11th meeting that they had been advised by other BellSouth personnel that the capacity of the 2003 releases would be the same as that for 2002. If this information is correct, it is likely that the percentage of BellSouth's release capacity available for implementation of CLEC-prioritized requests in 2003 will be even smaller than in 2002, since industry standard LSOG-6 guidelines are scheduled for implementation during 2003.

¹⁶As BellSouth notes, the GPSC previously refused to consider changes to the CCP proposed by AT&T in its arbitration proceeding with BellSouth regarding the parties' interconnection agreement, ruling that disputes regarding the CCP should be resolved under the escalation and dispute resolution process in the CCP. *See* BellSouth Supp. Reply Br. at 21-22 n.16 (citing GPSC's April 20, 2001 order in GPSC Docket No. 11853-U).

CLECs a meaningful opportunity to compete, and the fundamental existing deficiencies in the CCP will not be fixed by BellSouth's recently-implemented or proposed modifications to that process.

Because of these serious problems, the Application should be denied. If the Commission nonetheless concludes otherwise, it should at least require BellSouth to make additional, substantial revisions in the CCP, including the following:

- First, BellSouth should be required to agree to a specific timetable for implementation of change requests, without attaching conditions to the timetable (such as "subject to capacity constraints"). Type 4 and Type 5 changes should be implemented no later than 60 weeks after prioritization. Only with the approval of the CLECs (or the state regulatory commission) should BellSouth be permitted to deviate from this timeline.
- Second, BellSouth should be required to implement a single prioritization process, in which BellSouth and the CLECs jointly make the final determination as to the prioritization and implementation of change requests. This process would replace the current process, under which BellSouth has a veto power over change requests, treats CLECs' prioritization of change requests as purely informational, and unilaterally makes the final determinations regarding prioritization and implementation in an internal process without CLEC involvement.
- Third, BellSouth should be required to provide complete and accurate information regarding the capacity of its releases, together with information regarding the timing of proposed releases on a rolling basis (for example, for twelve months). This information is critical to CLECs' long-term planning. Currently, BellSouth has agreed to provide capacity data only for its next scheduled release, and is unwilling to provide historical data or rolling information.
- Fourth, BellSouth should be required to commit to implementing the current backlog of change requests within a specific, reasonable timeframe. Although the above-described 60-week deadline will help to resolve the timing issues on a going-forward basis, BellSouth should be required to complete implementation of the entire backlog within a specific period. AT&T believes that an 18-month time limit should be imposed.
- Fifth, the CCP document should be revised to make clear that the CCP includes all of BellSouth's OSS used to provide services to CLECs. Thus, the CCP should be amended to specifically include within its scope all of BellSouth's legacy systems, linkage systems, billing systems, and work centers. To date, BellSouth has refused to agree to such inclusion (notwithstanding its recent acceptance of the CLECs' definition of "CLEC-affecting changes").
- Sixth, BellSouth should be required to design the CAVE testing environment to mirror the production environment. Thus, BellSouth should be required to allow CLECs to use their own codes (rather than BellSouth's codes) in the testing environment. In addition, BellSouth should be required to implement a "go/no go vote" process that would ensure that a scheduled change will go forward only with the CLECs' consent and that CLECs can stop a planned change that may cause

problems in the OSS, based on testing in CAVE or on a review of documentation when testing is unavailable.

See also Bradbury/Norris Decl. ¶ 194 (describing other revisions that are needed in the CCP). As long as BellSouth retains its power to make the final, exclusive determination as to what change requests will be implemented, and when – a power that BellSouth's actual or proposed modifications to the CCP do not alter – the CCP will not afford CLECs a meaningful opportunity to compete.

II. BELLSOUTH'S DATA ARE NOT RELIABLE OR TRUSTWORTHY.

There is no rational basis upon which the Commission can conclude that BellSouth's performance data are "meaningful, accurate, and reproducible," a fundamental showing in all prior approved applications. *Texas 271 Order* ¶ 428; *Kansas/Oklahoma 271 Order* ¶ 278. As AT&T has explained, BellSouth's performance data are inherently unreliable because: (1) certain measurements on which BellSouth relies do not accurately capture performance; (2) BellSouth has unilaterally altered performance measures in ways that can skew its actual performance; (3) BellSouth has inappropriately excluded data from its performance results; and (4) BellSouth's performance reports have been plagued with errors, internal inconsistencies and discrepancies.¹⁷ Indeed, BellSouth's unilateral changes to its service order accuracy measurement, coupled with a recently-opened observation by KPMG during the Florida metrics audit, underscore that neither BellSouth, nor its data, can be trusted.¹⁸

Before BellSouth withdrew its initial application, BellSouth's own commercial performance data, as well as KPMG's testing results in Georgia and AT&T's real world experience, confirmed that BellSouth's performance in the area of service order accuracy was abysmal.¹⁹ These errors unquestionably cause customer dissatisfaction and effectively preclude CLECs from realizing the expected efficiencies flowing from their significant investments in electronic systems. See AT&T at 23-24.

After BellSouth withdrew its Application, BellSouth revealed that it had changed its methodology for calculating its service order accuracy results. Critically, when BellSouth refiled its Application, BellSouth not only claimed that its service order accuracy rates had dramatically

¹⁷ Bursh/Norris Supp. Decl. ¶¶ 4-102; Bursh/Norris Supp. Reply Decl. ¶¶ 6-37. The lengths to which BellSouth goes to rationalize the deficiencies in its performance data are nothing short of remarkable. Thus, for example, AT&T has explained that BellSouth's completion notice interval data are inaccurate and incomplete because BellSouth excludes orders when the orders are completed in one month, but the completion notice is issued in another. Noting that AT&T's arguments are meritless, BellSouth contends that it does not "exclude" such orders, but rather chooses not to count such orders when the completion notices are sent after BellSouth's processing window closes. Varner Supp. Reply Aff. ¶ 78. BellSouth's argument is circular. The purpose of a performance measurement plan is to capture accurately the actual performance it is intended to measure. BellSouth's completion notice interval measure cannot serve its intended purpose because BellSouth omits data from its performance results. Ironically, BellSouth has admitted in the Florida workshop that these orders should be included in its performance results and has agreed to start capturing these orders in May. Varner Florida PSC Workshop Handout at 20. In all events, the data on which BellSouth currently relies to support its Application are inaccurate and incomplete.

¹⁸ BellSouth also has failed to provide the raw data to which CLECs are entitled which are necessary to verify the accuracy of BellSouth's results. See Bursh/Norris Supp. Reply Decl. ¶ 31.

¹⁹ See, e.g., DOJ Initial Eval. at 22 n.51 (noting that "BellSouth missed by a wide margin almost all of the order accuracy performance standards for UNEs in June and July in both Georgia and Louisiana). See also Norris Decl. ¶ 35; Bradbury Decl. ¶ 115-123.

improved, but also asserted that its new and improved methodology assures greater precision in reported results. However, in view of the timing and the circumstances under which these changes were made, BellSouth's claims of "improved" performance and increased accuracy in performance reporting ring hollow. Bradbury/Norris Supp. Decl. ¶ 123; Bursh/Norris Supp. Reply Decl. ¶ 16. The mere fact that BellSouth's purported improved service order accuracy rates happened to coincide with BellSouth's changes to its methodology is highly suspicious. Bursh/Norris Supp. Decl. ¶ 105. Indeed, the reality is that BellSouth's actual performance did not improve, it simply changed its methodology. Bradbury/Norris Supp. Decl. ¶ 116; DOJ Eval. at 13 n. 57; Bursh/Norris Supp. Reply Decl. ¶ 16. Furthermore, BellSouth's changes to the service order accuracy measure, which were made "without prior approval of the Georgia PSC or notice to the CLECs" (DOJ Eval. at 13), make a mockery of the performance monitoring and reporting process and are consistent with BellSouth's general practice of unilaterally modifying performance measures whenever it suits its purposes.

To make matters worse, BellSouth's revised methodology – which BellSouth claims assures greater accuracy in performance results – suffers from fundamental infirmities that can obscure or skew BellSouth's actual performance. In this regard, because BellSouth now examines only a sample of service orders, instead of all service orders associated with the LSR, BellSouth can report perfect performance even when the associated service orders which have been excluded from the sampling frame are riddled with errors. Bursh/Norris Supp. Decl. ¶¶ 105, 112-113. Accordingly, BellSouth's methodology is flatly inconsistent with the SQM business rules which state that an order is deemed to be completed without error when "*all service attributes and account detail changes* (as determined by comparing the original order) *completely and accurately* reflect the activity specified on the original and any supplemental CLEC order." SQM at 3-34 (emphasis added).

Similarly, BellSouth's inclusion of fully-mechanized orders when calculating service order accuracy necessarily overstates BellSouth's actual performance. Bursh/Norris Supp. Reply Decl. ¶ 16; Birch Reply at 5-10. In addition, because BellSouth has changed the service order accuracy measure from a State-specific to a regional measure, it can effectively conceal subpar performance in Georgia.²⁰ Bell Second Supp. Reply Decl. ¶ 5. Furthermore, although BellSouth contends that its revised methodology is designed to assure that statistically valid samples are used to calculate performance results, as the accompanying declaration of Robert M. Bell shows (attached as Attachment 3), BellSouth's samples do not and cannot have the intended level of statistical precision because, *inter alia*, the very formula that BellSouth touts as evidence of the validity of its sampling approach is erroneous. Bell Second Supp. Reply Decl. ¶¶ 6-16.

Most disturbingly, KPMG recently opened an observation during the Florida metrics test, finding that BellSouth's service order accuracy results are biased in BellSouth's favor because BellSouth manipulates and increases its sample sizes whenever "the results have higher variances than

²⁰ The flow-through data reported by BellSouth illustrate that regionwide data can conceal substantial variations in BellSouth's performance from State to State. Although BellSouth has reported flow-through data only on a regionwide basis in its MSS reports, it was recently ordered in Section 271 proceedings in Tennessee to provide such data on a State-specific basis in response to AT&T discovery requests. BellSouth's State-specific data show considerable differences in flow-through performance among the nine States in its region. For example, Attachment 2 hereto sets forth the difference between the highest and lowest Achieved Flow-Through rate experienced by any State in the BellSouth region by month (March to December 2001) and by product category (residential resale, business resale, UNEs, aggregate of non-LNP products, and LNP). As shown in Attachment 2, the ranges are significant for each product type. Thus, one cannot assume that BellSouth's performance in a particular State reflects that which it reports on a regionwide basis.

allowed by the benchmark standards.”²¹ Thus, as KPMG’s observation shows and as the accompanying declaration of Dr. Bell further explains, BellSouth’s touted sampling methodology is a mere contrivance that permits BellSouth to game the process, increase the sample size, and obtain more favorable service order accuracy results whenever the observed error rate in the drawn sample is higher than expected. Bell Second Supp. Decl. ¶¶ 17-23.

Additionally, the metrics audit in Georgia (as well as Florida) is far from complete. In this regard, BellSouth’s assertion that KPMG’s February Interim Status Report confirms that data integrity testing in Georgia is 54% complete is misleading. Varner Supp. Reply Aff. ¶ 27 n. 1. KPMG’s February Interim Status Report does not state precisely what percentage of data integrity testing has been completed. Notably, after KPMG issued its February Interim Status report, KPMG revealed that it has completed only 10% of the evaluation necessary for the data integrity phase of testing. In view of the significant data integrity issues that have been uncovered in Florida, as well as the considerable testing that must be completed in Georgia, it remains to be seen whether other significant data integrity problems will be discovered during the metrics audit. Bursh/Norris Supp. Reply Decl. ¶ 35; DOJ Eval. at 20.

The failure of BellSouth to provide reliable data on service order accuracy is particularly significant in view of its excessive reliance on manual processing. See AT&T Supp. Br. at 17-19; Bradbury/Norris Supp. Decl. ¶¶ 95-118. Notwithstanding its assertion that the “‘hard facts’ ruin” the data presented by AT&T regarding manual fall-out due to BellSouth system design or system error (Stacy Supp. Reply Aff. ¶ 184), BellSouth does not dispute AT&T’s evidence that: (1) the rate of BellSouth-caused manual fall-out showed no improvement during 2001 (when the rate for December 2001, as in January 2001, was 21 percent); (2) even the flow-through rates that BellSouth selectively cited in its Application showed no, or little, improvement during 2001; and (3) the volumes of orders manually processed by BellSouth significantly increased during 2001. AT&T Supp. Br. at 17-18 & Bradbury/Norris Supp. Decl., Att. 15. In fact, BellSouth concedes that the flow-through rates on which it relies increased by only one percentage point in 2001 (and “may seem to reflect minor progress”). Stacy Supp. Reply Aff. ¶ 183.²² BellSouth further concedes that the combined BellSouth-caused manual fall-out rate in January 2002 was still 19.4 percent – little different from the 21.1 percent rate it reports for January 2001. *Id.* ¶ 185.²³

If, as BellSouth contends, the total volume of LSRs submitted by CLECs has “sky-rocketed” during the last year (*id.* ¶ 183), those volumes – and the corresponding manual processing workload of BellSouth’s Local Carrier Service Center (“LCSC”) – will increase even more substantially as CLECs

²¹ KPMG Florida Observation 178, dated April 1, 2002.

²² As in the past, BellSouth cites only the “CLEC Error Excluded Rates” that it includes in its performance reports – rather than the “Achieved Flow-Through Rate,” which is the more reliable measure of flow-through because it considers only those manually processed orders that fall out either due to BellSouth system design or BellSouth system error. See Bradbury/Norris Supp. Decl. ¶ 101. Like the CLEC Error Excluded Rates, BellSouth’s Achieved Flow-Through Rates for January 2002 showed little, or no, improvement over 2001. For example, the aggregate Achieved Flow-Through Rate in January 2002 was 78.28 percent. Although this rate was an improvement over that for December 2001, it still is below the 79.54 percent rate for January 2001. For resale residential orders, the January 2002 Achieved Flow-Through rate of 80.82 percent is below that for December 2001 (81.62 percent) and for January 2001 (85.70 percent). See *id.*; *ex parte* letter from Kathleen B. Levitz (BellSouth) to Magalie Roman Salas, dated March 1, 2002, Attachment at 45.

²³ Although BellSouth asserts that the January 2002 rate of BellSouth-caused manual fall-out represents an improvement over that for January 2001 (Stacy Supp. Reply Aff. ¶ 185), it ignores the fact that the January 2002 rate is still higher than that for April and May 2001. See Bradbury/Norris Supp. Decl., Att. 15.

ramp up for mass-market entry. As a result, the likelihood of errors by LCSC representatives in manually re-keying such orders will increase exponentially. See AT&T Supp. Br. at 18-19. Only if BellSouth shows that it can produce reliable data on service order accuracy can its performance be properly measured – but BellSouth has yet to do so.²⁴

Against this backdrop, BellSouth cannot legitimately contend that its performance data are accurate and reliable. As this Commission has emphasized, the “reliability of reported data is critical” to Section 271 analysis. *Texas 271 Order* ¶ 428. On the basis of this record, BellSouth has not met its burden of demonstrating that its performance data are accurate and trustworthy, and that its data show that it has met its Section 271 obligations.

Sincerely,

A handwritten signature in black ink, appearing to be 'JM' followed by a horizontal line.

Joan Marsh

cc: Renee Crittendon
Susan Pie
James Davis-Smith

²⁴ In a recent *ex parte* responding to evidence presented in AT&T's reply comments, BellSouth contended that the identification of 4,581 BellSouth-caused errors as Error Code 9685 (“Due Date Could Not Be Calculated”) on its Flow Through Error Analysis Report for February 2002 does not indicate a problem with its due date calculator. See AT&T Supp. Reply Br. at 8 & Att. 3 at 4; *ex parte* letter from Glenn T. Reynolds (BellSouth) to William Caton, dated April 12, 2002 (“April 12 *ex parte*”), at 3-4. BellSouth's argument, however, is based on the erroneous premise that these “BST-caused” errors encompass LSRs designed to fall out for manual processing. *Id.* at 4. In reality, these errors only encompass LSRs that fall out due to errors in BellSouth's systems.

ATTACHMENT 1

CURRENT LOG SUMMARY

CR TYPE SUMMARIES AS 4/9/2002

Type 2 Status

Pending	13
Scheduled	8
Candidate Request	5
Implemented	3
Pending Clarification	2
Cancelled	2
<hr/>	
TOTAL	33

Type 3 Status

Pending	1
<hr/>	
TOTAL	1

Type 4 Status

Candidate Request	6
Scheduled	5
Pending	5
Cancelled	5
New	2
Implemented	1
<hr/>	
TOTAL	24

Type 5 Status

New	17
Pending	16
Scheduled	11
Cancelled	9
Candidate Request	7
Implemented	3
<hr/>	
TOTAL	63

Type 6 Status

Scheduled	42
Implemented	22
New	16
Validated Defect	8
Pending Clarification	3
Workaround Identified	2
<hr/>	
TOTAL	93

ARCHIVE LOG SUMMARY

CR TYPE SUMMARIES AS

4/10/2002

Type 2 Status

Implemented	15
Cancelled	1
<hr/>	
TOTAL	16

Type 3 Status

Cancelled	2
<hr/>	
TOTAL	2

Type 4 Status

Implemented	37
Cancelled	37
<hr/>	
TOTAL	74

Type 5 Status

Cancelled	65
Implemented	35
<hr/>	
TOTAL	100

Type 6 Status

Implemented	228
Cancelled	92
<hr/>	
TOTAL	320

ATTACHMENT 2

**Achieved Flow Through Rates
Range of Variance
(High State Rate minus Low State Rate)**

Month (2001)	Residential Resale	Business Resale	UNE	Aggregate Non-LNP	LNP
March	12.43%	16.36%	16.37%	12.12%	68.00%
April	11.05%	33.03%	20.72%	11.61%	74.00%
May	10.11%	11.80%	15.38%	10.49%	69.00%
June	14.00%	16.53%	22.23%	14.50%	78.00%
July	16.66%	27.80%	16.26%	14.03%	69.00%
August	12.93%	14.43%	30.33%	19.43%	83.00%
September	8.40%	23.25%	16.63%	13.31%	82.00%
October	9.96%	12.96%	17.63%	12.05%	80.00%
November	11.30%	24.77%	28.00%	10.48%	80.00%
December	11.56%	20.71%	30.46%	8.88%	75.00%
Avg. Range	11.84%	20.16%	21.40%	12.69%	75.80%

ATTACHMENT 3

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Application of BellSouth Corporation,)	
Pursuant to Section 271 of the)	
Telecommunications Act of 1996)	CC Docket No. 02-35
To Provide In-Region, InterLATA Services)	
In Georgia and Louisiana)	

**SECOND SUPPLEMENTAL REPLY DECLARATION OF ROBERT M. BELL
ON BEHALF OF AT&T CORP.**

April 19, 2002

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Application of BellSouth Corporation,)	
Pursuant to Section 271 of the)	
Telecommunications Act of 1996)	CC Docket No. 02-35
To Provide In-Region, InterLATA Services)	
In Georgia and Louisiana)	

**SECOND SUPPLEMENTAL REPLY DECLARATION OF ROBERT M. BELL
ON BEHALF OF AT&T CORP.**

I. INTRODUCTION AND QUALIFICATIONS

1. My name is Robert M. Bell. I am currently employed as a Principal Member of Technical Staff of the Statistics Research Department at AT&T Labs-Research.
2. As part of AT&T's opening comments in CC Docket No. 01-277, I filed with the Commission an initial declaration ("Bell Decl."). On March 4, 2002, I filed with the Commission a Supplemental Declaration ("Bell Supp. Decl."). On March 28, 2002, I filed with the Commission a Supplemental Reply Declaration ("Bell Supp. Reply Decl.").

II. PURPOSE OF POST SUMMARY DECLARATION

3. The purpose of this Second Supplemental Reply Declaration is to address certain statistical issues raised in the Supplemental Reply Affidavit of Keith E. Johnson, Ph.D. ("Johnson Supp. Reply Aff.") regarding BellSouth's revised methodology for calculating its Service Order Accuracy ("SOA") results. As AT&T has explained, because of BellSouth's unilateral changes to its service order accuracy measure, BellSouth's service order accuracy results are highly suspect. In this regard, because BellSouth has changed the service order

SECOND SUPPLEMENTAL REPLY DECLARATION OF ROBERT M. BELL

accuracy measure from a state-specific to a regional measure, BellSouth can conceal subpar performance in Georgia. Similarly, BellSouth's small sample sizes raise concerns regarding the validity of BellSouth's disaggregated results. *See* Bell Supp. Decl. ¶¶ 6-7. Furthermore, BellSouth's inclusion of fully-mechanized orders when calculating its service order accuracy results distorts its actual performance. *See* Bursh/Norris Supp. Reply Decl. ¶ 16.

4. In his Supplemental Reply Affidavit, Dr. Johnson insists that BellSouth's new methodology assures greater accuracy in performance results and contends that AT&T's arguments regarding the defects in BellSouth's new methodology are meritless. However, BellSouth's arguments cannot withstand analysis. Moreover, an observation that KPMG recently opened during the Florida third party test confirms that BellSouth's service order accuracy results are biased.

III. DEFECTS IN BELL SOUTH'S NEW SERVICE ORDER ACCURACY METHODOLOGY

5. AT&T has previously explained that BellSouth's unilateral decision to change the service order accuracy measure from a Georgia-specific to a regional measure could mask subpar performance in Georgia. *See* Bell Supp. Decl. ¶¶ 5-6. BellSouth contends that "there is no reason to believe that SOs for one state would yield a significantly different result than SOs from any other state or for the entire region." Johnson Supp. Reply Affidavit ¶ 11. However, BellSouth provides no empirical data to support this assertion. In fact, the data BellSouth has filed previously belie BellSouth's contention and show that BellSouth's performance results in Georgia were worse than those for the entire region during certain time periods. *See* Supp. Bell Decl. ¶ 5; Stacy, Varner and Ainsworth Reply Aff. ¶ 49. If BellSouth's true error rates in Georgia are substantially different from regional results, then BellSouth's

SECOND SUPPLEMENTAL REPLY DECLARATION OF ROBERT M. BELL

regional service order accuracy results are misleading and will conceal BellSouth's actual performance in Georgia.

6. BellSouth also contends that AT&T's concerns about BellSouth's small sample sizes in calculating results under its new methodology are without merit. Johnson Supp. Reply. Aff. ¶ 8. As support for this proposition, BellSouth, pointing to certain calculations, contends that "a sample of 35 would be slightly more likely to overstate the error rate than to understate it," and that "a sample twice as large (70) would be more likely to understate the error rate for the universe." *Id.* However, BellSouth's calculations are nothing more than a red herring. The counterintuitive results are artifacts of the specific sample sizes carefully selected for the example. Either sample size is unbiased if the sample size is selected in advance.¹ Moreover, the example that BellSouth uses avoids the real issue, which is uncertainty, not bias. Small sample sizes lead to increased sampling error and, therefore, a greater risk that poor performance will go undetected.

7. BellSouth further contends that its revised sampling methodology will assure accuracy in its performance results. *See, id.* ¶ 17. In an effort to bolster this allegation, BellSouth, in the Supplemental Reply Affidavit of Dr. Johnson, explains that the following process is used to select the samples of service orders used to calculate performance results (*id.* ¶ 5):

An unordered sample of 150% of the prescribed size is generated from SO records using computer generated random numbers. That is, the first SO on the list is the first one randomly selected, the second SO on the list is the second one randomly selected, etc. The reviewers begin with the first SO on the list and attempt to retrieve it for analysis. Should it be unavailable they proceed to the next

¹ But see Paragraphs 17-23 below (explaining that BellSouth's procedures for setting sample sizes lead to biased estimates).

SECOND SUPPLEMENTAL REPLY DECLARATION OF ROBERT M. BELL

designated SO and continue until they have been able to locate, in order, the prescribed number of SOs for the sample. By maintaining the list in the order in which they were selected the randomness of the selections is insured.

8. BellSouth offers no explanation as to why it is unable to retrieve certain service orders for analysis. If the excluded service orders are more error prone, the observed error rate in the sampled population would be biased and lower than the true error rate in the complete population. Of course, the extent of the bias would depend on the proportion of service orders that are missing. Although BellSouth has not provided any data quantifying the proportion of service orders that are unavailable for review, the mere fact that BellSouth must generate a list of service orders that is 150% of the desired sample size suggests that the proportion of missing service orders could approach, but not exceed, one-third.

9. BellSouth argues that its new methodology is designed to assure that statistically valid samples are used to calculate service order accuracy results. In attempting to buttress this allegation, BellSouth states that it uses the hypergeometric distribution to compute confidence limits for proportions that are estimated using samples from finite populations. Johnson Supp. Reply Aff. ¶ 4. BellSouth asserts further that it uses "error rates slightly greater than the historical tendency [which] helps assure that the final result will be statistically valid at this level." *Id.* Additionally, BellSouth claims that these confidence limits are used to determine sample size requirements. Notably, BellSouth does not quantify the extent to which it uses error rates that are "slightly greater than the historical tendency." More fundamentally, as demonstrated in more detail below, BellSouth's analysis is flawed in other important respects.

10. Exhibit KEJ-1 which is attached to Dr. Johnson's Supplemental Reply Affidavit shows the formulas that BellSouth uses to compute the upper and lower confidence

SECOND SUPPLEMENTAL REPLY DECLARATION OF ROBERT M. BELL

limits. However, the formulas in this exhibit are wrong. The correct formulas for exact confidence limits are set forth in Buonaccorsi, J.P., "A Note on Confidence Intervals for Proportions in Finite Populations," *American Statistician*, August 1987, Vol. 41, pp. 215-218. Changing X , x , $L(x)$, and $U(x)$ in Buonaccorsi's notation to D , d , d_L , and d_u , respectively, makes the notation consistent with Dr. Johnson's. With the revised notation and $\alpha = 0.05$, Buonaccorsi's equation (2.4) is:

$$d_u = \text{largest } A \text{ such that } \Pr_A[D \leq d] > 0.025,$$

where $\Pr_A[D \leq d]$ equals the probability of finding d or fewer defects in the sample if there are A defects in the universe.

11. Dr. Johnson's formula is equivalent to the formula:

$$d_u = \text{largest } A \text{ such that } \Pr_A[D = d] \geq 0.025.$$

The major difference between Dr. Johnson's formula and Buonaccorsi's equation is that Dr. Johnson incorrectly uses the probability of the event $D = d$ instead of the event $D \leq d$.²

12. The following example illustrates the impact of Dr. Johnson's errors.

Assume that the number of service orders be $N = 1000$. Consider a sample size of $n = 100$, with $d = 4$ defects. Based on the table in paragraph 13 of Dr. Johnson's supplemental reply affidavit, the upper confidence limit for the overall defect rate should be no higher than 9.0%.

13. To determine the upper confidence limit, we must compute the probability distribution for the number of defects in the sample under the assumption that 9.0% of the population is in error—i.e. that there are $A = 90$ defects in the population of 1000 orders. I used

² The formulas also differ in that Johnson uses " ≥ 0.025 " rather than " > 0.025 " in the inequality. That difference is inconsequential because it is very unlikely that $\Pr_A[D \leq d]$ will equal 0.025.

SECOND SUPPLEMENTAL REPLY DECLARATION OF ROBERT M. BELL

the hypergeometric formula³ to compute the lower tail of that distribution for values of $A = 89$, 90, ..., 97. The table below shows hypergeometric probability values for $d = 0$ to 4 defects in the sample.

# of Defects in Population	Probability of Exactly d Defects in Sample					$\Pr_A[D \leq d]$
	$d = 0$	$d = 1$	$d = 2$	$d = 3$	$d = 4$	
$A = 89$	0.0001	0.0006	0.0031	0.0109	0.0279	0.0426
$A = 90$	0.0000	0.0005	0.0029	0.0101	0.0261	0.0396
$A = 91$	0.0000	0.0005	0.0026	0.0093	0.0245	0.0369
$A = 92$	0.0000	0.0004	0.0024	0.0086	0.0229	0.0343
$A = 93$	0.0000	0.0004	0.0022	0.0079	0.0214	0.0319
$A = 94$	0.0000	0.0003	0.0020	0.0073	0.0200	0.0296
$A = 95$	0.0000	0.0003	0.0018	0.0068	0.0186	0.0275
$A = 96$	0.0000	0.0003	0.0016	0.0062	0.0174	0.0255
$A = 97$	0.0000	0.0003	0.0015	0.0057	0.0162	0.0237

14. According to the procedure in Exhibit KEJ-1, we should look in the column labeled $d = 4$ for the last row such that the tabled probability exceeds 0.025. That occurs for the value 0.0261 (in bold), in the row labeled $A = 90$. Consequently, Dr. Johnson's procedure yields an upper confidence limit of 90 for the number of defects in the universe, or equivalently an upper confidence bound of 9.0% for the defect rate.

15. To determine the correct upper confidence limit, we must look instead at the last column of the table, which shows the cumulative probability of observing 4 or fewer defects in a sample of size 90. Because this cumulative probability exceeds 0.025 through the row with $A = 96$, the correct confidence interval extends to 9.6%—a substantially higher value than that computed by Dr. Johnson's formula.

³ The formula is the one shown in KEJ-1 with A substituted for d_u ; that is,

$$\Pr_A[D = d] = \frac{C(A, d)C(N - A, n - d)}{C(N, n)}$$

SECOND SUPPLEMENTAL REPLY DECLARATION OF ROBERT M. BELL

16. A similar correction is required for Dr. Johnson's lower confidence limit, resulting in values that are lower than he would compute. Consequently, the sample sizes selected by BellSouth do not produce the degree of certainty that they were intended to achieve.

17. A recently opened observation in the Florida test also confirms that BellSouth's methodology for calculating SOA results produces biased results in BellSouth's favor. In Observation 178, KPMG reports that, "BellSouth adjusts the sample size when the results have higher variance than allowed by the benchmark standards, as stated by the SQM definition. Since the variance increases with the BellSouth error rate, this results in the selection and evaluation of more service orders only when BellSouth is doing poorly." KPMG Florida Observation 178, dated April 1, 2002 (attached hereto as Exhibit 1). KPMG concludes that because "[t]his method has the potential for producing biased samples for calculating the 'Provisioning: Service Order Accuracy' SQM, the reported values would not accurately reflect the quality of service provided." *Id.*

18. In its response to Observation 178, BellSouth does not deny that it adjusts sample sizes when its results are poor, but instead contends that doing so does not bias results. BellSouth states that "[i]f additional sampling of the current month is undertaken, it offers no advantage to BellSouth other than to increase the certainty of the measure." BellSouth's Response to Observation 178, dated April 3, 2002 at 2 (attached hereto as Exhibit 2). BellSouth's contention is simply wrong as the following example illustrates.

19. Assume that the final exam for a course consists of tasks that the students try to perform. The instructor writes two exams of equal difficulty, each consisting of five tasks. The score on either exam is the percentage of tasks completed successfully. Assume further that the instructor offers each student two options: (1) the student may take one exam (chosen at

SECOND SUPPLEMENTAL REPLY DECLARATION OF ROBERT M. BELL

random) in the morning, or (2) the student may take one exam in the morning, one in the afternoon, and average the two scores. The student must decide before seeing the morning exam.

20. Assume that Mary is equally likely to score 60, 80, or 100 on either of the two exams. Her score distribution is shown in Figure 1. Obviously, her expected (average) score is 80 for either exam. Also, assume that if she takes both exams, her score on the second exam is independent of her score on the first exam. In that case, Mary's score distribution (the average of the two exams) is shown in Figure 2. From the symmetry of Figure 2, it is clear that her expected score on both tests combined is also 80. If Mary chooses to take both exams, she reduces the probability of scoring 60, but she also reduces the chance of scoring 100. Since she has the same expected score under either scenario, her decision is likely to depend on how risk averse she is.

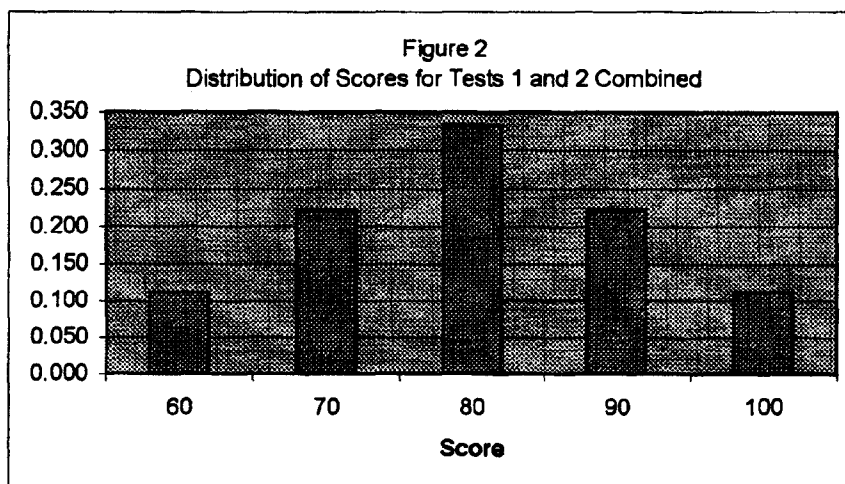
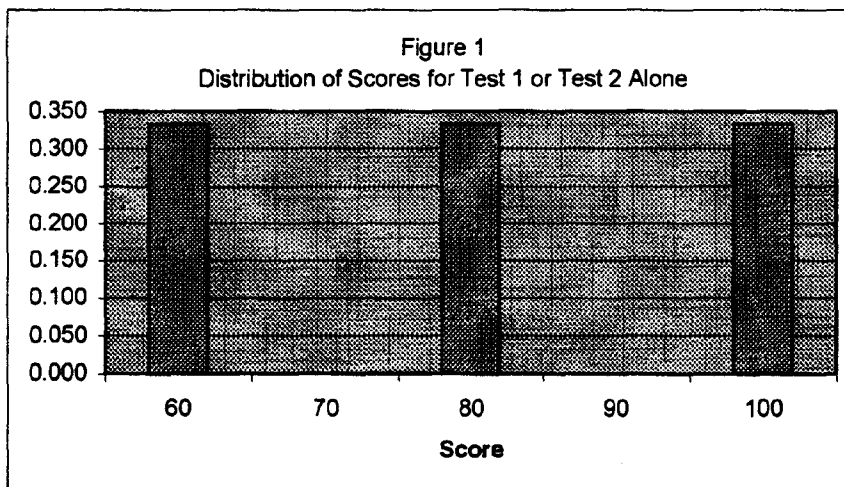
21. Assume, instead, that Mary is allowed to decide whether to take the afternoon exam *after* seeing her score from the morning. If she scores 100 in the morning, Mary will obviously take the afternoon off because she can only lose by taking the second exam. If she scores just 60, she will take the second exam, realizing that she probably has more to gain than to lose. If she scores 80, taking the second exam is equally likely to help or hurt her. For simplicity, assume that she would not take the second exam.

22. Figure 3 shows the distribution of Mary's scores if she takes the second exam only after scoring 60 in the morning. Her expected score in this case equals 83.33 points. Setting aside whether this procedure is a fair way to grade the course, it is clear that it produces biased estimates for the students' true abilities.

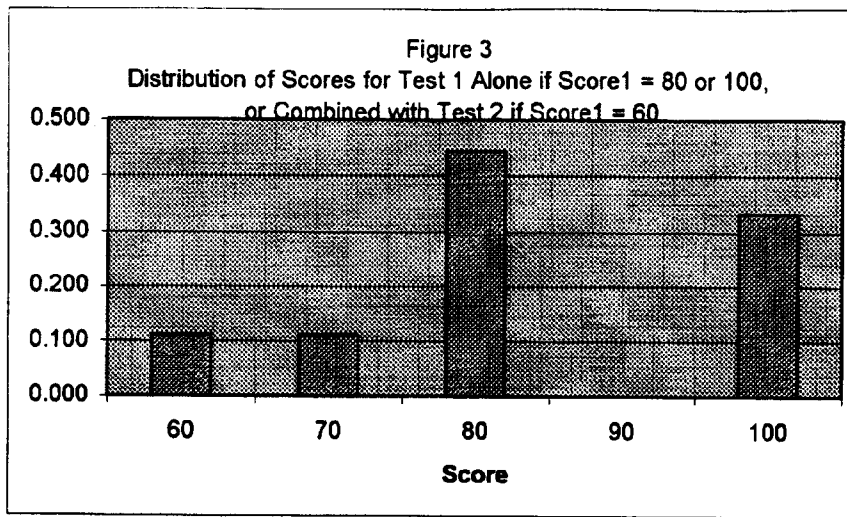
23. BellSouth's procedure for sampling service orders works in the same way. BellSouth's methodology allows BellSouth to keep good results from the initial sample and to "average in a make-up" when the initial results are poor. KPMG is correct that the BellSouth

SECOND SUPPLEMENTAL REPLY DECLARATION OF ROBERT M. BELL

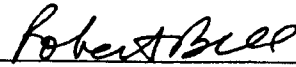
sampling procedure is biased in favor of BellSouth. Because BellSouth's samples are biased for individual product classifications, BellSouth's claim that this problem cannot bias the overall error rate is obviously incorrect.



SECOND SUPPLEMENTAL REPLY DECLARATION OF ROBERT M. BELL



I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief.

A handwritten signature in cursive script, appearing to read "Robert M. Bell", is written over a horizontal line.

Robert M. Bell

Executed on April 19, 2002

EXHIBIT 1

Date: April 01, 2002

OBSERVATION REPORT

An observation has been identified as a result of the Metrics Definitions and Standards Development and Documentation Verification and Validation Review. (PMR2)

Observation:

KPMG Consulting has found that BellSouth's method of sampling records used for the calculation of the "Provisioning: Service Order Accuracy" Service Quality Measurement (SQM) may produce biased estimates.

Background:

As part of the BellSouth-Florida OSS Evaluation, KPMG Consulting has reviewed the *Florida Interim Performance Metrics* document.¹ KPMG Consulting evaluates the accuracy, completeness, and consistency of each metric's stated definition, calculation and business rules.

Issue:

BellSouth adjusts the sample size when the results have higher variance than allowed by the benchmark standards, as stated by the SQM definition. Since the variance increases with the BellSouth error rate, this results in the selection and evaluation of more service orders only when BellSouth is doing poorly.² In effect, this procedure gives BellSouth an additional opportunity for a favorable result only in instances where BellSouth is failing. In the cases where sample size is adjusted, the resulting estimate of service order accuracy will be biased.

Impact:

This method has the potential for producing biased samples for calculating the "Provisioning: Service Order Accuracy" SQM, the reported values would not accurately reflect the quality of service provided.

¹ KPMG Consulting used the June 1, 2001, version 3.00 of the *Florida Interim Performance Metrics* document as a basis to perform this test. The Business Rules listed in this Observation are listed in the *Florida Interim Performance Metrics* document published in June 2001.

² The bias is always in favor of BellSouth, unless the error rate exceeds 50%. On conference calls between BellSouth and KPMG Consulting held during the week of February 11, 2002, BellSouth stated that the error rate was never that high.

EXHIBIT 2

FLORIDA OSS BELL SOUTH'S RESPONSE TO OBSERVATION 178



Florida OSS Test
Observation 178

April 3, 2002

OBSERVATION REPORT

An observation has been identified as a result of the Metrics Definitions and Standards Development and Documentation Verification and Validation Review. (PMR2)

Observation:

KPMG Consulting has found that BellSouth's method of sampling records used for the calculation of the "Provisioning: Service Order Accuracy" Service Quality Measurement (SQM) may produce biased estimates.

Background:

As part of the BellSouth-Florida OSS Evaluation, KPMG Consulting has reviewed the *Florida Interim Performance Metrics* document.¹ KPMG Consulting evaluates the accuracy, completeness, and consistency of each metric's stated definition, calculation and business rules.

Issue:

BellSouth adjusts the sample size when the results have higher variance than allowed by the benchmark standards, as stated by the SQM definition. Since the variance increases with the BellSouth error rate, this results in the selection and evaluation of more service orders only when BellSouth is doing poorly.² In effect, this procedure gives BellSouth an additional opportunity for a favorable result only in instances where BellSouth is failing. In the cases where sample size is adjusted, the resulting estimate of service order accuracy will be biased.

Impact:

This method has the potential for producing biased samples for calculating the "Provisioning: Service Order Accuracy" SQM, the reported values would not accurately reflect the quality of service provided.

¹ KPMG Consulting used the June 1, 2001, version 3.00 of the *Florida Interim Performance Metrics* document as a basis to perform this test. The Business Rules listed in this Observation are listed in the *Florida Interim Performance Metrics* document published in June 2001.

² The bias is always in favor of BellSouth, unless the error rate exceeds 50%. On conference calls between BellSouth and KPMG Consulting held during the week of February 11, 2002, BellSouth stated that the error rate was never that high.

FLORIDA OSS BELLSOUTH'S RESPONSE TO OBSERVATION 178

BellSouth Response:

Future sample sizes are increased when error rates increase solely to insure that the objective confidence interval of 75% is maintained. Since the likelihood of overstating or understating the actual error rate in the universe is not a function of the sample size, no bias is introduced. In fact, the larger sample sizes for universes with larger error rates reduce bias by giving a greater degree of certainty for the measure. If additional sampling of the current month is undertaken, it offers no advantage to BellSouth other than to increase the certainty of the measure.

Since the SOA measure is done by product type, each universe stands alone. The overall error rate is calculated as an additional indicator of accuracy, even though it is not part of the measurement plan. Since the overall error rate is calculated as a weighted average, the number of SOs sampled for each universe is not a factor.

ATTACHMENT 6

JOINT DECLARATION OF JAY M. BRADBURY
AND SHARON E. NORRIS

BellSouth alternative to CLECs recommended Appendix I-A.

Appendix I-B: Reporting Estimated Pre-Release Annual Capacity Forecasting

Activity	CLEC Production Release(s)	BST Production Release(s)	Industry Release, i.a.¹	Maintenance Releases
Scope²				
Tentative Implementation Date(s)				
Est. Capacity per release (units)				
# of Releases				
Total Capacity				

¹ Industry Release is planned for Type 3 (i.e., ELMSx).

² Defines the Feature Type and/or use of release. For example, a CLEC Production Release is planned for Type 2s, 6s, 5s, and (optional are 4s), BST Production Release is planned for Type 2s, 6s, 4s, and (optional are 5s); May also include Network Infrastructure elements.

APPENDIX I: Monitoring and Reporting Post-Release Capacity Utilization

[illegible]